THE MAKING OF SOUTHEAST ASIAN NATIONS

STATE, ETHNICITY, INDIGENISM AND CITIZENSHIP

Leo Suryadinata

Foreword by Wang Gungwu

ISEAS
YUSOF ISHAK INSTITUTE

THE MAKING OF SOUTHEAST ASIAN NATIONS

STATE, ETHNICITY, INDIGENISM AND CITIZENSHIP

LEO SURYADINATA

THE MAKING OF SOUTHEAST ASIAN NATIONS

STATE, ETHNICITY, INDIGENISM AND CITIZENSHIP

Leo Suryadinata

Foreword by

Wang Gungwu

World Scientific

NEW JERSEY • LONDON • SINGAPORE • BEIJING • SHANGHAI • HONG KONG • TAIPEI • CHENNAI

Published by

World Scientific Publishing Co. Pte. Ltd.

5 Toh Tuck Link, Singapore 596224

USA office: 27 Warren Street, Suite 401-402, Hackensack, NJ 07601

UK office: 57 Shelton Street, Covent Garden, London WC2H 9HE

Library of Congress Cataloging-in-Publication Data

Suryadinata, Leo, author.

The making of Southeast Asian nations : state, ethnicity, indigenism and citizenship / by Leo Suryadinata.

pages cm

Includes bibliographical references and index.

ISBN 978-9814612968 (alk. paper)

1. Civil society--Southeast Asia. 2. Nation-state and globalization--Southeast Asia. 3. Ethnicity--Political aspects--Southeast Asia. 4. Citizenship--Southeast Asia. 5. Islam and state--Southeast Asia. 6. Chinese diaspora. I. Title.

JQ750.A91S87 2015

320.459--dc23

2014031476

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

Copyright © 2015 by World Scientific Publishing Co. Pte. Ltd.

All rights reserved. This book, or parts thereof, may not be reproduced in any form or by any means, electronic or mechanical, including photocopying, recording or any information storage and retrieval system now known or to be invented, without written permission from the publisher.

For photocopying of material in this volume, please pay a copying fee through the Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, USA. In this case permission to photocopy is not required from the publisher.

In-house Editors: Li Hongyan/Parvath Radha

Typeset by Stallion Press

Email: enquiries@stallionpress.com

Printed in Singapore

Contents

Foreword xi
Acknowledgements xv
Introduction xvii

Chapter 1 Multi-Ethnic Society, Conflict Regulation and Nation-Building 1

- Plural Society 2
- Plural Society and Pluralistic Society 6
- Political Integration and "Consociational Democracy" 8
- Managing Plural Societies: Various Strategies 9
  - Methods for Eliminating Differences 10
  - Methods for Managing Differences 11
- Concluding Remarks 12
- Endnotes 14

Chapter 2 Nation, State, Ethnicity and Indigenism 17

- Conflicting Definitions: Ethnie, Nation, Nation-State and State 18
- State, Nation-State and Multi-National State 22
- The Concept of Nation in Southeast Asia 23
- Nation and Indigenism 27
- Dominant Indigenous Ethnic Group and Southeast Asian Nations 30
- Nation-Building in Southeast Asia 32

Concluding Remarks 34
Endnotes 35

Chapter 3 Nation, Citizenship and Indigenism 39

Citizenship and Nationhood: Are They the Same? 40
Citizenship and the Concept of T.H. Marshall 43
Citizenship and Indigenism 46
Malaysia 46
Indonesia 48
Thailand, The Philippines and Myanmar 50
Concluding Remarks 51
Endnotes 52

Chapter 4 Ethnicity, Indigenism and Southeast Asia's Citizenship Laws 55

Implications of Indigenism in Citizenship Laws in Southeast Asia 56
Citizenship Laws in Indonesia 58
The 1958 Citizenship Act and Indigenes 59
The 2006 Citizenship Law 60
Citizenship Law in Malaysia 60
Citizenship Law in Singapore 62
Citizenship Law in Thailand, The Philippines and Vietnam 64
Concluding Remarks 68
Endnotes 68

Chapter 5 Ethnic Chinese and the Formation of Southeast Asian Nations 71

Ethnic Chinese and Nation-Building Policies 72
Indonesia 72
Thailand 73
Burma/Myanmar 74
The Philippines 75
Malaysia 76

Vietnam 77
Singapore 77
Ethnic Chinese Responses to the Policies 78
Chinese Ethnicity and Globalization 80
Concluding Remarks 82
Endnotes 83

Chapter 6 China's Citizenship Laws and Southeast Asian Chinese 85

The 1909 and 1929 Citizenship Laws: Dual Citizenship Status for Chinese Overseas 86
The 1909 Citizenship Law 86
The 1929 Citizenship Law 88
The 1955 Afro-Asian Conference and the PRC Citizenship Law (1980): From Dual Citizenship to Single Citizenship 89
Why Dual Citizenship? 91
Opposers of Dual Citizenship Status 92
What if China Revived the Dual Citizenship Status for the Chinese Overseas? 94
China's Recent Practice with Regard to the Citizenship Law 96
Concluding Remarks 97
Endnotes 98

Chapter 7 Nation-Building or Citizenship-Building in Singapore? 101

The Origins of Singapore's Identity 101
The PAP and Singapore Identity 102
Strong Ethnic Feelings 107
Commodification of Citizenship? 108
Foreign Talent in Singapore 110
Dual Citizenship in Singapore 112
Concluding Remarks 116
Endnotes 118

Chapter 8 Indigenism, Islam and Nation-Building in Malaysia 121

The NEP/NDP and Nation-Building 121
The Dilemma of Indigenism 123
The Position of Islam 125
The Core of the Malaysian Nation 127
Malaysian Nation as Defined by the State 132
"Malay" Nation-State vs. "Multi-Ethnic" Nation-State 133
Concluding Remarks 134
Endnotes 135

Chapter 9 Ethnicity, Religion and Nation-Building in Indonesia 137

Early Ethnic Conflicts: Challenge to the Indonesian Nation 138
National Language and Education 139
National Symbols 141
National Institutions 141
Pancasila 143
Transmigration and National Disintegration 145
East Timor and National Disintegration 146
Resistance Movement in Irian Jaya (Papua) 147
Aceh's Rebellion and the Peace Treaty 147
"New Measures" of Nation-Building 150
Concluding Remarks 151
Endnotes 152

Chapter 10 The Philippines and Thailand: Ethnicity and Islam in Nation-Building 155

The Philippines 156
Historical Legacy 156
Post-Independent Policy 157
MNLF and MILF 158
The Emergence of a New Nation 160
Thailand 161
Intensification of Integration/Assimilation Policies 162
The Emergence of the "Patani Nation"? 165

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF OTAGO on 07/23/15. For personal use only.

Bangsa Melayu, Bangsa Melayu Patani or Bangsa Patani? 166
Concluding Remarks 168
Endnotes 170

Chapter 11 Citizenship, Nation-State and Nation-Building in Globalizing Southeast Asia 173

Citizenship and Globalization 173
Citizenship and Human Rights 174
Nations and Nation-States in the Globalizing World 175
Demise of Nation-States and the Rise of Region States? 177
Multi-Ethnic Nation, Multi-Culturalism and Multi-Racialism 178
Contemporary Southeast Asian Nations 179
Concluding Remarks: Is Nation-Building Still Relevant? 184
Endnotes 186

Appendixes

Appendix A: Ethnic and Religious Compositions of Southeast Asian Countries 187
Appendix B: Citizenship Law of Brunei Darussalam 193
Appendix C: Citizenship Law of Cambodia 211
Appendix D: Citizenship Law of Indonesia 219
Appendix E: Citizenship Law of Laos 237
Appendix F: Citizenship Law of Malaysia (The Citizenship Section of Constitution) 251
Appendix G: Citizenship Law of Myanmar 265
Appendix H: Citizenship Law of the Philippines (The Citizenship Information in the Constitution) 279
Appendix I: Citizenship Law of Singapore 283
Appendix J: Citizenship Law of Thailand 293
Appendix K: Citizenship Law of Vietnam 301

Bibliography 309
Index 321

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF OTAGO on 07/23/15. For personal use only.

Foreword

Professor Leo Suryadinata belongs to the generation of Indonesian-born Chinese to grow up with a non-Chinese nationalist revolution. He started his education in Chinese schools at a time when the idea of nation in China was coupled with an internationalist Communist movement. Around him, however, were powerful imaginings of an Indonesian nation and, in the neighbourhood, other decolonizing states at varying stages of nation-building. When I met him over forty years ago, he had completed a Master's thesis at Monash University, his first study of the overseas Chinese in Java under Dutch rule. Already he was probing the historical roots of how certain groups of Chinese had responded before World War II to Dutch, Chinese and emerging Indonesian ideas of what nations should be like. And, to my knowledge, the nation question has never been far from his mind ever since.

Being fluent in the Indonesian and Chinese language from young, he also mastered English, and went on to study in universities that taught in Chinese, Indonesian and English. Thus his multiple perspectives on the linguistic basis for modern nations has enabled him to go beyond that to explore the wider ethnic and citizenship dimensions of national identity. As a political scientist, he has concentrated on the many examples in Southeast Asia of colonial states seeking to become nation-states.

As he shows in this volume, it is not easy to generalize from these experiences so far. First, the variations are great because each of the ten states of Southeast Asia started out with different mixes of peoples and cultures. One of them, Thailand, actually succeeded in keeping its monarchy intact and sought to build a nation based on that traditional and respected symbol of unity. It is the only country in the region where

loyal subjects of the king formed the basis for sovereign nationhood. The others have quite different experiences. For example, in the five Indo-Chinese colonial territories, the Vietnamese were distinguishable not only from immigrant Chinese but also from the Lao, the Khmer, the Cham and the numerous montagnard peoples in the interior. The three Vietnamese lands could set aside the governance variations imposed by the French in Cochin–China, Annam and Tongking, but what they put in place was not acceptable to the peoples in Cambodia and Laos who had evolved their own national symbols. In the Philippines, it took centuries for different island groups to unite against colonial rule, and differences between indigenous Pinoys and the Chinoys (Chinese–Filipino) still remain; and there are even greater differences between the Christian majority and the various Muslim groups in Mindanao and the Sulu Archipelago.

In the Malay states of the peninsula and the three northern Borneo states, remarkable efforts have been made to redefine an inclusive Malay identity as the foundation of Malay nationalism but the majority *bumiputra* (sons of the soil) have yet to satisfy the demands of large Chinese and Indian minorities to become equal citizens in the country of adoption to which they wish to offer loyalty. And in Burma (Myanmar), the problem was difficult enough with Indian and Chinese immigrants, but even more intractable was the division between the Burman majority and other equally indigenous peoples like the Shan, the Karen, the Kachin and others who remain doubtful about what should rightfully be the core of the country's identity. As for the numerous suku (tribes) of Indonesia and various immigrant Chinese, Arab and other settlers, so much depends on their respective relationships with the numerically dominant Javanese in their quest for uniting national symbols. Nevertheless, it is remarkable what the Indonesian nation has become, one of the most extraordinary nation-building stories of its kind in the 20th century.

As Professor Suryadinata shows, the alien idea of the nation-state came from the West, and ethnic and cultural similarities and differences in the region constitute only one part of the struggle for nationhood. Key factors have come from the colonial state that several of the new nations inherited. It is important to note that the colonial powers that ruled them

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF OTAGO on 07/23/15. For personal use only.

earlier were also very different from one another and the structure and processes of government they left behind have each played a significant role in determining how the new nation-states progressed. For example, the British had a vast empire and never had enough of their own nationals to run their colonies. They were content with exercising ultimate authority both in Burma and the Malay States but depended a great deal on local elites, whether indigenous or immigrant, to help them. And, just prior to their departure in the 1960s, they devised the Greater Malaysia plan that ended with many political boundaries being changed in the course of a few years, including the pluralist city-state of Singapore and the Brunei royal nation. As can be imagined, with every change in national borders, new expectations of nationhood were produced.

The French also had a large empire but sought to exercise closer control over every aspect of government wherever they could and were thus much tougher on anything they thought was "anti-colonial" in their five Indochina administrations. For different reasons, both British and French imperial powers were eventually confronted by communist revolts and, in quite different ways, the idea of nation played a decisive role. In Vietnam, nationalism led the Vietnamese to victory. But, in Malaya, a Malay-centred nationalism acted against the Chinese-led movement.

For the Dutch empire, however, the Netherlands East Indies was the only one significant part left of what they once had, and their own nationals valued it and were actively involved in keeping their subjects under control. Thus the only way for their colonized peoples to challenge their rule was through rebellion and revolution, and the establishment of alternate sets of national ideals. And this had repercussions for the kind of political system that resulted. As for the outlier with two sets of imperial rulers, the Republic of the Philippines, its experiences were truly exceptional. It not only had a much longer period of political acculturation by Western mores but also two totally different degrees of tutelage prior to independence. This has made it into a very distinctive kind of nation in the region whose achievements are not always well-understood by its neighbours.

Professor Suryadinata has spent much of his life studying the modern polity called a nation. This volume brings together his thoughts on the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF OTAGO on 07/23/15. For personal use only.

multiple aspects of that very elusive ideal. It will provide generations of students with a useful guide through the labyrinth of the new forces at work in our region. It therefore gives me great pleasure to welcome his contributions here.

Wang Gungwu
East Asian Institute
National University of Singapore
14th March 2013

Acknowledgements

I would like to express my sincere thanks to Dr. Ho Yi Kai of World Scientific for asking me to submit my manuscript; to Professor K.K. Phua, Chairman of World Scientific, for accepting the manuscript for publication; and last but not least, to the Lee Foundation (Singapore) for the generous publication grant. However, I alone take responsibility for the contents of this book.

Leo Suryadinata

Introduction

For many years I have been interested in the issues of ethnicity, indigenism, nationhood and citizenship in Southeast Asia. I discovered that it was not easy to write a book on this topic. I began therefore by writing a few papers regarding these issues since the mid-1990s, and some of these have been published as articles. At the same time, I continued to collect materials related to these subjects and conducted fieldworks in several ASEAN countries. Nevertheless, due to my teaching and other responsibilities, my plan to compile these into a book, "ethnicity, indigenism, citizenship and nation-building in Southeast Asia," did not materialize. In July 2002, I left National University of Singapore (NUS) and a month later I joined the Institute of Southeast Asian Studies (ISEAS). But for the first two years, I was busy researching and writing on other topics and more mundane subjects, yet, I managed to find time to write a few more papers. Only after I left ISEAS and began my service as Director of Chinese Heritage Centre (2006–2013), did I eventually finish a rough draft of the book. However, I did not publish it immediately as I was not satisfied with some parts of the work. The manuscript became outdated and had to be revised. Towards the end of my directorship, I managed to update the manuscript and decided to get it published.

The issue of the ethnic Chinese in Southeast Asia is one aspect of my research focus. And in this book, I have included the study of ethnic Chinese. Although I have included this ethnic group, the book is not about the ethnic Chinese *per se*. The ethnic Chinese form a significant part of the larger picture. I have attempted to address the general issues of ethnicity, indigenism, citizenship and nationhood in Southeast Asia, but I am of the view that the discussion on these issues will not be complete without addressing the ethnic Chinese.

Ethnicity, nationhood and citizenship are Western concepts and often lack exact equivalents in the eastern region — East Asia and Southeast Asia. However, there is no doubt that these concepts have been extremely influential, and in the 20th century, they have been adopted by Asian and Southeast Asian countries, where they have been used and developed by many scholars. Of course, when these concepts are applied to Asia and Southeast Asia, certain adjustments, or modifications, are required and therefore are not exactly identical with their Western counterparts.

As these concepts are controversial, there is no general agreement, but when writers/scholars write about these concepts, they have specific definitions in their minds, which are sometimes spelt out and sometimes not. When they are not spelt out, it is difficult for the readers to follow their arguments. But despite their ambiguity and controversy, these concepts are still used as they affect basic human thinking and behavior.

Ethnicity, race and nation are the basic concepts used for analyzing of human society, and ethnic/racial conflicts are often considered to be natural and unavoidable. Most of the new states, especially those of Southeast Asia, are multi-ethnic and multi-racial, and the leaders are of the view that they have to be integrated in order to have national unity. It is interesting to note that in the past, when Southeast Asian countries (except Thailand) were colonies, the colonial authorities ensured that the society remained divided. Nation-building was not a concern and the local population was encouraged to think along ethnic/racial lines. Only after achieving political independence has national integration as a state policy been introduced. Therefore "nation-building" was an experiment for many newly independent states as they have not been "taught" by their colonial masters. Understandably, there is a process of trial and error.

It is not easy to build a new nation on the ruins of the colonial system especially when the blueprint used was prepared during the colonial rule: this includes the boundaries of the states, the laws and regulations, the tradition and even the institutions. The new states were unable to completely overhaul the existing state and start afresh. The process of change has been gradual. In the power struggle among different ethnic/racial groups, some colonial legacies were intentionally preserved and even perpetuated by the new elites. Ethnic/racial inequality was kept in regulations and laws where indigenous populations received more "rights" than the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF OTAGO on 07/23/15. For personal use only.

non-indigenous. Even citizenship, which was meant to be universal, was less universal in the Southeast Asian region, at least until very recently.

National integration, or building a new nation, is a continuous process. Many are of the view that with the exception of a few "ethno-states," many "non-ethno states" ("multi-ethnic states") are not likely to be able to complete the nation-building project, as the concept varies from period to period. Nevertheless, the concept of nation-building has never been abandoned, as it is believed that this is a prerequisite of "national unity." At one time, "national integration" was perceived as a form of "political development." In the past, nation was often seen as "mono-culture" but in the era of democracy and globalization, a multi-cultural nation is more acceptable. But what is a multi-cultural nation? Is a multi-cultural nation still a nation?

A multi-ethnic society is believed to be unstable provided that it remains a "plural society" rather than a "pluralistic society." Therefore there are authors who advocate "value integration" rather than "monoculture" as a solution to national integration. Of course, managing multi-ethnic and multi-racial "nation-states" or societies is not based on national integration or nation-building alone. Many methods, including hegemony (e.g. ethnic hegemony), have been introduced, some with national integration underpinnings while others with the purpose of continuing separation. Due to the difficulty of achieving a conventional "nationhood," some states prefer to stress citizenship or citizenship-building. The era of globalization often makes nation-building more problematic than in the past when the world was less integrated.

The book is divided into eleven chapters. The first chapter addresses the question of nation-building in the context of various sociological and political science theories/concepts, many of these theories and concepts being related to Southeast Asia. The second chapter discusses the origins and nature of ethnicity, statehood and nationhood in Southeast Asia as well as their relationships. Without a clear understanding of these basic concepts, terms and their relationships, it is impossible to appreciate the so-called nation-states in the region. But apart from the three concepts, there is also another relevant concept, i.e. citizenship; the third chapter examines the relationship between citizenship and nationhood, also in Southeast Asia. The last concept, indigenism, is not only relevant but also crucial in the context of nation-building in the region; the fourth chapter,

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF OTAGO on 07/23/15. For personal use only.

therefore, discusses the issue of indigenism and its complex relations with nationhood and citizenship.

Ethnic Chinese are an integral part of Southeast Asia; the story of Southeast Asian nation-building will not be complete without including this group. The fifth chapter therefore focuses on the position of ethnic Chinese in the context of Southeast Asian nations, their national identity and their problems. One of the issues is the problem of citizenship. The sixth chapter hence addresses the issue of China's citizenship laws and their impact on the ethnic Chinese and nation-building in the Southeast Asian region. To deepen our understanding, the next four chapters that follow address the issues of nation-building and citizenship-building in selected Southeast Asian countries, namely Singapore, Malaysia, Indonesia, the Philippines and Thailand. Nation-building and citizenship-building have been seen as the most suitable method to manage multi-ethnic societies. The concluding chapter assesses the progress of nation-building and citizenship-building in a globalizing Southeast Asia.

One characteristic of this book is that the discussion on citizenship is based on the citizenship laws of the Southeast Asian states. I believe that this approach is more useful for understanding concrete issues of nationhood and citizenship in the Southeast Asian context than discussing citizenship in abstract.

I am indebted to my honours students (in classes of the 1990s) and colleagues in the department of political science, NUS, colleagues at ISEAS and friends from other institutions. They are too many to be mentioned here. Nevertheless, I would like to record my special thanks to Lee Hock Guan of ISEAS and David Martin Jones, University of Queensland, for reading the first draft of this manuscript and making useful suggestions to improve it. Last but not least, I would like to express my sincere thanks to Professor Wang Gungwu, who has been very kind to me and has rendered his help to me in many ways. His project on "History of Nation-Building" has reminded me of the significance of nation-building in Southeast Asia and indirectly compelled me to complete/revise this manuscript. I am also very grateful that he has written a foreword for this book. Of course, I alone take the responsibility for any views expressed and shortcomings existing in this book.

Leo Suryadinata
31 December 2013

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF OTAGO on 07/23/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 1

Multi-Ethnic Society, Conflict Regulation and Nation-Building

Southeast Asia comprises eleven independent states: one (Thailand) has always been an independent kingdom, nine (Indonesia, Vietnam, the Philippines, Malaysia, Singapore, Cambodia, Laos, Brunei and Myanmar) are states which achieved independence after World War II, and one (Timor-Leste) attained independence only at the beginning of the 21st century. These countries have some things in common: they are all multi-ethnic and multi-religious societies and have records of ethnic conflict; some are more serious than others.

Ethnicity has always been seen as a major source of conflict. Therefore many states in the Developing Countries (or Third World) have attempted to get rid of ethnic nationalism, through nation-building. It is believed that once a nation is born, ethnic loyalty would be transferred to national loyalty, and ethnic conflict would naturally disappear. It is also worth noting that Western "nations" were believed to be the only viable models for the developed countries. Besides, "nation" is also perceived as a form of modernity.[1] Not surprisingly, Southeast Asian governments after independence have been eager to promote nation-building which is modeled on the West.

Although nation-building has been popular among developing countries after World War II as a "solution" to ethnic conflict and a way to achieve rapid development and modernization, its origin is more complex than the above explanation. In fact, the rise of nation in developing countries is closely linked to major social changes in the colonies and the rise of nationalism which is often characterized with anti-colonialism or anti-colonialist movement in order to attain self-determination. Therefore,

it appears that the choice of nation-building in developing countries, especially in Southeast Asia, for its most part has been "determined" by the historical conditions. It is not solely for "resolving" ethnic conflict in mind.

It should be noted that to "resolve" ethnic conflict or, more correctly, to "regulate" ethnic conflict, nation-building or national integration is not the only means. Scholars in the past have put forward many "methods" in order to achieve social and political stability in the multi-ethnic societies. This chapter will discuss briefly various approaches adopted by many governments to regulate ethnic conflict from the past to the present, especially in the modern era.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Plural Society

The notion that ethnicity (or "race" as it was called before World War II) was the source of conflict and social instability in developing countries was first proposed, among others, by J.S. Furnivall, a British economist and civil servant who studied pre-war British Burma and the Dutch East Indies (Indonesia). His concept of conflict-prone multi-ethnic (multi-racial) society was proposed, in his monumental but controversial book entitled *Netherlands India: A Study of Plural Economy* (1939). He defined a plural society in terms of the following characteristics:[2]

1. It comprised "two or more elements or social orders which live side by side, yet without mingling, in one political unit."
2. There was a lack of consensus or a "common social demand." Each community possessed a distinct set of values incompatible with those of other cultural groups. For instance, Europeans are Christians, Chinese are either Buddhists or Taoists, while indigenous Indonesians are Muslims. To build a church would benefit only Christians, not Buddhists or Muslims; to build a mosque would benefit only Muslims, not Christians or Buddhists.
3. There was a presence of separate ethnic demands as a basis for differentiating a plural society from its homogeneous counterpart.
4. Various cultural groups only met in the marketplace.

5. Economic activities were congruent with ethnic divisions. (Chinese monopolized trade, indigenous Indonesians agriculture, and Europeans the world of business and administration.)
6. This society was prone to conflict; some external force was needed to hold it together.

Furnivall painted a model, if not a typical, "plural society" in the tropical area, with a particular example of colonial Indonesia (Netherlands India or the Dutch East Indies). However, in 1948, based on his earlier works, he published another book, *Colonial Policy and Practice*.[3] Furnivall identified both the Dutch East Indies and Burma as examples of plural societies. His concept of plural society has received a lot of attention; some have been impressed by his model while others have been critical. Charles Coppel, for instance, maintained that Java at the beginning of the colonial rule was not a plural society as there was a prevalence of "peranakan culture" or the "Indies culture," which was shared by various "racial communities," including ethnic Chinese, Europeans and the indigenous population.[4] Even the literature of the Chinese was not in the Chinese language but in Malay.[5] However, Coppel did not deny that in the following two decades, this mestizo society of Java was gradually transformed into a "plural society" in the sense that there were no longer intensive interactions between various races.

Nevertheless, it is true that Furnivall as an economist did not look into the socio-cultural history of Java (which was part of the Netherlands India) and merely based his argument on his informants and observation, especially on the non-economic aspect, as well as the situation in the Outer Islands (i.e. outside Java). The characteristics of pre-World War II Indonesia's plural society that he presented with regard to Java are exaggerated, his argument that the Dutch Indies society (with regard to Java) at the turn of the 20th century is incorrect.

Some of Furnivall's arguments, i.e. a divided society, can be applied to colonial Indonesia after the second decade of the 20th century. With the exodus of the Chinese from Mainland China, the emergence of the totok society and the rise of Chinese nationalism, Java became a segregated society based on racial division. In fact, the colonial power also contributed to the emergence of such a society as it had been trying to segregate

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

different communities even during the period when the Chinese community was rapidly merging with the "indigenous" communities in Java and Madura. Various ethnic groups became racially conscious. However, the suggestion that only external power (i.e. colonialism) could maintain law and order sounds like a justification for the continuation of a colonial rule.

The concept of plural society continued to stimulate many social scientists. In 1970, Furnivall's arguments were further discussed by Alvin Rabuskha and Kenneth A. Shepsle who maintained that Furnivall's concept was still relevant, as they could still be applied to the post-World War II situation in many multi-ethnic countries. According to them, Furnivall's arguments made the social scientists aware that

1. Plural societies are qualitatively and quantitatively different from homogeneous ones;
2. Different communities of plural societies can only meet in the marketplace;
3. Outside forces are needed to maintain order. This implies that plural societies are inherently prone to violent conflict.[6]

Nevertheless, Alvin Rabushka and Kenneth A. Shepsle "improved" the arguments of Furnivall, arguing that in a Plural Society, there are the following characteristics which are still in existence today:

1. The presence of two separate communities who are living side by side, but separately in the same political unit;
2. Economic division also coincides with cultural division;
3. Each community had different institutional structure; well-defined ethnic groups with generally incompatible values;
4. The practice of politics is almost exclusively along ethnic lines;
5. The overwhelming preponderance of political conflicts is perceived in ethnic terms.

Is Furnivall's Plural Society applicable to post-WWII Southeast Asia? Let us examine post-war Indonesia and Malaya/Malaysia after attainment of independence. There have been new developments after independence was achieved. For instance, some measures of integration were practised

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

due to the introduction of an integrated school system. In Indonesia, for instance, Indonesian citizens of Chinese descent were required to study in the Indonesian-medium schools after 1957, and during the New Order government (1966–1998), all Chinese schools (for foreigners) were closed down. Only Indonesian national schools were provided for all ethnic groups. In Malaysia, many (not all) Chinese children went to "national type" schools. Therefore, different ethnic groups did not meet only in the marketplace, but in the schools as well.

However, one can see the shadow of ethnic segregation. In Indonesia, there were private schools and universities whose students were mainly Chinese; and Chinese cultures were still retained through various means. In Malaysia, the students of many "National Type" schools comprise many ethnic Chinese. Furthermore, there is an existence of Chinese Independent Secondary Schools (*duli zhongxue* 独立中学) which cater to ethnic Chinese children rather than Malay or Indian children.

It is true that in general, the division between the Chinese and non-Chinese in both Indonesia and Malaysia continued to exist (but their characteristics are not the same). Ethnic conflicts became more frequent than during the colonial era. Speaking of ethnic relations, it is misleading if we confine our discussion to ethnic Chinese and non-Chinese. This is because the indigenous Southeast Asians are not a homogeneous group either. They consist of different ethnic and religious groups, there have also been tension and conflicts. Yet when we discuss plural societies in the past, we tend to restrict our argument to the Chinese and non-Chinese.

As discussed above, many social scientists find Furnivall's concept of Plural Societies, with some modification, useful. But the application was mainly confined to the developing countries of Southeast Asia. In fact, in Furnivall's original work published in 1939, he maintains that "plural societies" are not confined to tropical countries, they can also be found in Europe (England), North America (United States and Canada) and Africa (South Africa). These "plural societies" have similar, if not identical features.[7] However, he modified his argument in 1948 when he wrote another book on colonial policy, arguing that

> "Outside the tropics society may have plural features, notably in South Africa, Canada and the United States, and also in lands where the Jew has

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

> not been fully assimilated into social life; … But in general these mixed populations have at least a common tradition of western culture, and, despite a different racial origin, they were on equal terms and their relations are not confined solely to economic sphere. There is a society with plural features, but not a plural society."[8]

Furnivall then differentiated tropical plural society and "a society with plural features" without developing another concept. Indirectly, he implied that the latter did not belong to the category of "Plural Societies." While Plural Societies require an external force (such as colonial power) or internal authoritarian government in order to have law and order, he did not argue that those societies with plural features required an external force. Later, M.G. Smith, a sociologist, developed Furnivall's arguments and presented his concept of "Pluralistic Society."

M.G. Smith has contended that a multi-ethnic society does not need a naked force to have political stability and racial harmony, but it needs political integration. A multi-ethnic society does not necessarily mean that it is unstable; it depends on whether they have compatible values. In M.G. Smith's view, there are two types of multi-ethnic societies: one is a Plural Society and the other, a Pluralistic Society.[9]

Plural Society and Pluralistic Society

Both societies have pluralistic features, but they are not identical:

1. A plural society has incompatible values while a pluralistic society has compatible values.
2. In a plural society, the practice of politics is almost exclusively along ethnic lines; in a pluralistic society, the practice of politics is along multi-ethnic lines.
3. A plural society needs force to hold it together; while a pluralistic society does not need force to survive.

In other words, in order to achieve law and order or social/political stability, one does not have to introduce an authoritarian rule. What is needed is to transform a plural society into a pluralistic society. It appears that

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Southeast Asian countries still fit into the category of "plural societies" but Western democratic countries, especially the US and the UK, are "pluralistic societies."

Nevertheless, recent developments show that Western countries are not really too much different from many Asian countries in the sense that they are not free from ethnic/racial conflicts. People begin to question if these "pluralistic society" model is credible. In the US, for instance, White and Black relations are often tense, and prejudices against minority ethnic groups continue to be strong. In the UK, ethnic separatist movements (for instance Irish and Scottish) have existed, and in recent years, especially with the rise of terrorism, ethnic tension has been high. In other words, there is no longer a model of "nation" or "nation-state" that Southeast Asian multi-ethnic states can follow. Despite this, many can still argue that both the US and UK possess prevailing democratic and liberal ideologies which can be accepted by the majority of multi-ethnic populations, if not all. And this shared political ideology or "common values," to a large extent, has resulted in relatively more stable societies than those which do not share a common political ideology or common values.

Examining Southeast Asian states, they may still have some elements of "plural society" mentioned above, not "pluralistic society." For instance, they do not have common political ideologies, or if they do, they are not really accepted by the population which consists of different ethnic and religious groups. In Indonesia and Malaysia, for instance, different racial groups did not always see eye to eye on a number of issues. Their religious and ethnic values often came into conflict. With regard to the practice of politics, in Malaysia, ethnic parties, to a large extent, are still enforced while in Indonesia, ethnic parties were banned during the New Order (1966–1998),[10] but it does not mean that there is no longer strong ethnic and religious belonging. On the contrary, ethnic and religious belongings have reemerged in the era of globalization. Due to their shorter "national history" as compared to their Western counterparts in term of state and nation-building, many Southeast Asian countries appear to have been less stable as compared to their Western counterparts.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Political Integration and "Consociational Democracy"

In fact, the presence of "common values" is considered important for political stability by many Western scholars. In fact, this "value integration" derives from a larger theory of political integration. Myron Weiner, for instance, in the 1960s suggested "political integration" as a kind of political development in developing countries. Weiner divides political integration into five types: national integration, territorial integration, elite–mass integration, values integration, and integrative behaviour.[11] The order of these five types of integration can be modified. Territorial integration is a kind of state integration, which is the lowest level of integration. Without the state integration in which the state is able to control its territories, it is impossible to have the rest.

National integration is the highest form of integration, as the result in fact is the product of an integrated nation, in which the gap between elite and masses will be narrowed, values will be shared and these values would be reflected in the people's social and political behaviour. Values integration is still being used by many states in Southeast Asia and beyond. It is indeed true that a population with contradictory values will not be able to achieve a harmonious society. However, integrated values are inadequate to guarantee the emergence of a socially and politically stable society. This does not eliminate ethnic groups either. Some western scholars, for instance, Arend Lijphart, are of the view that ethnicity as a primordial element in human relations should be taken as a given value. In the multi-ethnic society, it is impossible to use liberal democracy to achieve political stability and development.

Political scientist Arend Lijphart in 1977 proposed the concept of "consociational democracy," arguing that four western European states: the Netherlands, Belgium, Switzerland and Austria, have practised consociational democracy, which is different from liberal democracy.[12] The so-called consociational democracy has the following characteristics: there is an existence of grand alliance between various ethnic parties, each ethnic group receives proportional reward, and all ethnic groups are autonomous and minority groups have veto power. Lijphart further applied this concept beyond Western Europe, namely Malaysia (between 1955 and 1969) and Lebanon (between 1943 and 1975).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Lijphart's concept of consociational democracy is problematic when applied to developing countries and cannot be applied to Malaysia (1955–1969) properly. For one thing, there is no mutual veto power in Malaysian politics as UMNO and MCA are unequal partners in the government. They in fact functioned as part of coalition between senior (UMNO) and junior (MCA) partners. Nevertheless, many writers use the term to describe a general "power sharing" rather than Lijphart's four elaborate characteristics.

In fact, the concept of "Ethnic Democracy" developed by Sammy Smooha, which was applied to Israel, Slovakia, Latvia, Estonia and Northern Ireland (1921–1972), may also be applied to Malaysia (after the 1970s).[13] This concept refers to "a democratic political system that combines the extension of civil and political rights to … citizens with a bestowal of a favored status on the majority group."[14] This system has the following characteristics: The state is owned and ruled by the core ethnic group (nation); the state also mobilizes the core ethnic group and allows non-core groups to conduct parliamentary and extra-parliamentary struggle for change. However, the state perceives non-core groups as a threat, and therefore imposes some control on non-core groups. Although the Ethnic Democracy model has democratic elements, one can argue that it is closer to ethnic hegemony rather than democracy. With regard to hegemonic control, please see the following sections.

Managing Plural Societies: Various Strategies

As ethnicity is considered to be a perennial problem in the modern world, the government is expected to deal with this problem, using various strategies. John McGarry and Brendan O'Leary, two political scientists from the UK, have produced a very useful introduction in their edited book. They attempted to summarize the existing methods used by the governments in the West and in Asia in managing plural societies/pluralistic societies.[15] Since their discussion is directly relevant to our discourse in this book, I include a summary of their arguments in this chapter.

Basically, they maintain that there are two types of methods to regulate ethnic conflict: i.e. methods for eliminating differences and methods for managing differences. Among the methods for eliminating differences, they have listed four methods which include genocide, forced mass population

transfers (expulsion), partition and/or secession (self-determination) and integration and/or assimilation.

Methods for Eliminating Differences

(a) *Genocide*

A systematic killing of an ethnic community, or indirect destruction of such a community through the deliberate termination of the conditions which permit its biological and social reproduction. The examples given include: Jews in Hitler's Germany, Chechens and Tatars in Stalin's Soviet Union, Kurds in Iraq, Hutu in Burundi, and Muslims in Myanmar, etc.

(b) *Forced mass-population transfers* (*expulsion*)

Forced mass-population transfers occur where one (or more) ethnic communities is/are physically transplanted from its homeland and compelled to live elsewhere. (The examples given include: Palestinians expelled from Israel; Muslims of Bosnia, etc.) Sometimes this is also called "ethnic cleansing" in other literature. One of the purposes was to establish facts which make future territorial adjustments "impossible."

(c) *Partition and/or secession* (*self-determination*)

Breaking up the multi-ethnic state, or allowing separation between those ethnic communities, which do not wish to live together in the same state. The examples given are the independence of Bangladesh from Pakistan (1971), and the break-up of the Soviet Union and Yugoslavia (1991). They also predict that more partition/secession could take place in the future; examples given include various separatist movements from all over the world.

(d) *Integration and/or assimilation*

The government attempts to integrate or assimilate the relevant ethnic communities within the state into a transcendent identity. There are two types of integration/assimilation: one type, which is more moderate, is

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

called civic integration (creation of civic, national identity) and the other type, ethnic assimilation (creation of a new ethnic identity; melting pot.) Examples can be given from all over the world, both from developed countries (such as the US, the UK, France, Canada, Spain and former Soviet Union), and developing countries (such as Burma, Ghana, Iraq, Sudan and Uganda), showing that the ethnic problem or the problem of national integration is not confined to the developing world.

McGarry and O'Leary present another set of methods in dealing with multi-ethnic societies which do not eliminate differences but *manage* differences. These set of methods include hegemonic control, arbitration, cantonization (or federalism) or consociationalism.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Methods for Managing Differences

(a) *Hegemonic control*

Imperial or authoritarian regimes (sometimes liberal democratic regimes as well) controlled multiple cultures within their territories through coercive domination and elite co-option. Examples given include ethnic minorities in Burundi; Fiji (after 1987); Northern Ireland (1920–1972); and the deep South of the US (1870–1964). According to McGarry and O'Leary, this method is the most commonly used throughout history in both east and west.[16]

However, Sammy Smooha's Ethnic Democracy, which was earlier discussed, can also be included in the category of hegemonic control. In Smooha's model, he also included Northern Ireland (1921–1972) as a model of Ethnic Democracy. Nevertheless, hegemonic control may or may not have elements of democracy, the Ethnic Democracy model possesses some elements of democracy.

(b) *Arbitration* (*third party arbitration*)

This is a concept more often used in International Relations. McGarry and O'Leary have identified external arbitration (European Community in the case of the conflict within Yugoslavia) and internal arbitration (the monarchy in Burundi played an arbitration role over Tutsi and Hutu; the US

Supreme Court, under the leadership of Chief Justice Warren, arbitrated conflicts between blacks and whites in the 1950s and 1960s.

(c) *Cantonization and/or federalism*

Cantonization refers to recognition of ethnic differences and allows the asymmetrical relations between different cantons and the central government. Federalism is the opposite of the unitary-state system; countries that adopted this system include Switzerland, Belgium and Canada, but there is also pseudo-federalism, an example being the former Soviet Union.

(d) *Consociationalism or power sharing*

This is in fact based on Arend Lijphart's concept which we have discussed earlier. Lijphart first applied it to Western Europe, later to Lebanon (1943–1975) and Malaysia (1955–1969) as well.[17] However, McGarry and O'Leary also maintain that Fiji (on and off, between 1970 and 1987) practised "consociationalism."[18]

Concluding Remarks

J.S. Furnivall is the first author who proposed the concept of plural society. When it was first proposed, the concept was based on the study of colonial Indonesia. He later included Burma, another tropical country. Many characteristics that Furnivall put forward might not be applicable today, but the general argument that a plural society is characterized by cultural fragmentation which tends to dominate political life and represent a continual challenge to national unity is still valid. However, J.S. Furnivall went further and argued that plural society is not only prone to ethnic conflict but also requires an external force or force to maintain law and order. This point is controversial; as if he suggests that a plural society would not be able to enjoy democracy. Authoritarianism is the only form of political system which can keep law and order in such a society. The argument of "force" is close to one of the methods mentioned by McGarry and O'Leary in their essay, "Hegemonic Control."

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

However, M.G. Smith proposes the concept of "pluralistic society" as opposed to "plural society." The former possesses compatible values among different ethnic groups and hence ethnic conflict can be avoided. One can therefore argue that value-integration can be applied to achieve political stability in a multi-ethnic society. This argument is related to one of the political integrations suggested by Myron Weiner.

However, Arend Lijphart suggests "consociational democracy" or a form of power sharing between different ethnic groups as a method for avoiding ethnic conflict and achieving political stability. In other words, a certain type of democracy can still be applied to multi-ethnic society without resorting to authoritarian rule. If the application of the concept is successful, this may also imply that nation-building is not really needed. The fact is that this concept has not been successfully applied. Another concept, known as "Ethnic Democracy" which was proposed by Sammy Smooha, also addresses the issue of ethnic dominance and democracy. He maintains that despite ethnic dominance, this system provides the minority groups (non-core groups) with full political participation and opportunity to improve their status. This model has been applied to Malaysia after the 1970s. Similar to the Lijphart model, this model may be interpreted that national integration may not be required.

Nation-building/national integration at one time occupied a special place in the Western political science literature regarding developing countries. But gradually nation-building/national integration became outdated. Perhaps it is assumed that nations have been well-established in the developed world but it is unrealistic to build Western-style nations in developing countries. It is also possible that nationalism in developing countries is not seen as a positive force. Perhaps, the nation-building which is being practised in developing countries has the element of domination and hence undemocratic.

Nevertheless, in reality, nation-building in both developed and developing countries are still alive. Methods of ethnic conflict resolution as outlined by McGarry and O'Leary are quite comprehensive as they include national integration in which they discuss the examples and problems of integration and assimilation within a state. Nevertheless, they do not use the term "nation-building" in their essay.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

In the essay McGarry and O'Leary discuss civic integration which creates a common "civic identity" and ethnic assimilation which produces a common "ethnic identity." The former in fact is similar to the creation of a "social nation" while the latter can be called an "ethnic nation." Political scientists often use different terms to convey a similar, if not an identical, concept. It seems that the establishment of a civic nation is easier and this type of the nation is also more acceptable in modern times than an "ethnic nation."

Both McGarry and O'Leary argue that various methods have been used by different states in the world to regulate ethnic conflict due to specific historical development and demographic composition. They state that "hegemonic control has been the most common mode through which multi-ethnic societies have been established in world history."[19] They do not make normative judgement about these methods as people may have different values and see things differently. But they note that "hegemonic control" and genocide are not acceptable to liberals and socialists. McGarry and O'Leary in fact show that there is no one method which can be used for all countries and over a long period of time. Governments have continued to search for ways and means in managing multi-ethnic societies and no good solution has been found.

However, in Southeast Asia, nation-building appears to have received great attention; national integration in combination with other method is still used by many states to achieve political stability and economic development. The final objective is to achieve a nation-state based on multi-ethnic groups.

Endnotes

1. For instance, Liah Greenfeld argues that England, France, Russia, Germany and the US became modern through the path of nationalism. *See* Greenfeld (1992).
2. Furnivall (1939, pp. 446–469) (reprinted in 1967).
3. Furnivall (1956).
4. Coppel (1997, pp. 562–579).
5. Indonesian language literature and paintings already existed before WWII, Balinese arts had also been well known before WWII. Even the peranakan

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chinese literature before WWII had been very well developed. *See* Claudine Salmon, *Literature in Malay by the Chinese of Indonesia* (Paris, 1980).

6. Rabushka and Shepsle (1972).
7. Furnivall (1939, pp. 446–469).
8. Furnivall (1956, p. 305).
9. For the argument of M.G. Smith, *see* Rabusha and Shepsle (1972, pp. 15–16).
10. The case of Aceh may be an exception as a local political party consisting of Acehnese is still permitted to exist after the signing of the peace agreement in 2005.
11. Weiner (1967, pp. 150–166).
12. Lijphart (1977).
13. Smooha (2001). It can also be applied to Malaysia, pp. 81–82.
14. Smooha (2001, p. 24). For a discussion of the concept on ethnic democracy, *see* Smooha (2001, pp. 24–48). Please note that there was a typo in Smooha's paper (p. 34) regarding one of the characteristics of this model: "The state imposes some control on-core groups," in fact, it should be "on non-core groups."
15. McGarry and O'Leary (1993, pp. 1–40).
16. *Ibid.*, p. 23.
17. Lijphart (1980), 2nd printing, especially pp. 1–47; 150–157.
18. McGarry and O'Leary (1993, pp. 30–31).
19. *Ibid.*, p. 23.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 2

Nation, State, Ethnicity and Indigenism

The eleven states in Southeast Asia have often been considered as relatively "new nations" or "nations in the making." Some maintain that they are not nations but states, others argue that they are "State-Nations" rather than "Nation-States," yet others maintain that they are multi-ethnic states or multi-ethnic nations or indigenous states. In order to understand the actual situation, the four basic concepts/terms need to be investigated. This chapter addresses the origins and meanings of these basic concepts/terms and their relationships and only after comprehending these concepts/terms, will one begin to appreciate the nature of the nations and states and the complexity of the issue of nation-building in the Southeast Asian region.

The term "nation" is widely used and misused in common discourse. The most common usage assumes nation to mean a "country" or a "state." For instance, the United Nations (UN) is an organization of many independent countries/states in the world. The Association of Southeast Asian Nations (ASEAN) consists of 10 independent countries/states of Southeast Asia. Recently, East Timor gained its independence from Indonesia and became the "world's newest nation."[1] The term "nation" and "independent state" have been used interchangeably as if they are synonyms. However, in political science, these terms indicate two different things. Writers differentiate these two terms but again, there is no generally agreed concept of "nation," even among academics.

Conflicting Definitions: Ethnie, Nation, Nation-State and State

Among the academics, the first general issue regarding "nation" is its time of existence. Some maintain that nation is an old concept while others argue that it is a modern idea that originated in Western Europe; French, German and English are often considered as first "nations."[2]

Many scholars maintained that the concept of nation, in fact, is linked to ethnic group, which linked closely to common descent or common ancestry.[3] The term "ethnic" is an adjective, which came from an ancient Greek word *ethnos*, which is a noun, which survived in French as *ethnie*, with an associated adjective *ethnique*.[4] Max Weber maintains that ethnic groups are those human groups that

> "entertain a subjective belief in their common descent because of similarities of physical type or of customs or both … this belief must be important for the propagation of a group formation; conversely, it does not matter whether or not an objective blood relationship exists. Ethnic membership differs from the kinship group precisely being a presumed identity ..."[5]

R.A. Schermerhorn further develops Weber's argument: An ethnic group is "a collectivity within a larger society having real or putative common ancestry, memories of a shared historical past, and a cultural focus on one or more symbolic elements defined as the epitome of their peoplehood."[6]

The above widely quoted definitions show that an ethnic group refers to fictitious common ancestry and common customs. Does it mean that an ethnic group is also a nation? There are two groups of scholars. Some tend to equate ethnic group with nation, others, however, see it as a more modern phenomenon, a new entity based on many ethnic groups.

Rupert Emerson, a Harvard political scientist, for instance, in his monumental work *From Empire to Nation*, argues that a nation is "a community of people who feel that they belong together in the double sense that they share deeply significant elements of a common heritage and that they have a common destiny for the future."[7] He further elaborates that the common elements in a nation are territory, language, a common historical tradition, and the intricate interconnection of state and nation. He does not

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

think that race, religion, and a common economic system are that important.[8] In his view, nation is the supreme concept and its members are ready to die for the defence of such concept.

Will Kymlicka, a Canadian political philosopher, shares a similar view; he states that "nation" means a "historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture."[9] Both authors have a lot of things in common: territory and common language and culture. Their concepts of nation, in fact, are both geographic and cultural.

Anthony Smith, a leading sociologist and major scholar on nationalism, defines nation as "a named human population sharing an historic territory, common myths and memories, a mass, public culture, a single economy and common rights and duties for all members."[10] In another article, he says, "Historic territory, legal-political community, legal-political equality of members, and common civic culture and ideology; these are the components of the standard, Western model of nation."[11] In fact, Smith's definition of "nation" is inclusive; it is both a state and the presence of a common civic culture. Nevertheless, he argues that nations have their pre-modern origins. Nationalism draws the pre-existing history of the "group," i.e. ethnic group. However, he differentiates two types of nations: ethnic nation and civic nation. We will discuss this point later.

Walker Connor, a political scientist and a scholar of ethnicity, also defines a nation in terms of common descent but distinguishes it from an ethnic group by the degree of self-consciousness.[12] In other words, a nation in this case is still based on an ethnic group. Using his definition, in the early 1970s, there were only approximately 12 countries, which could be called "nation-states," i.e. a state based on one ethnic group (for instance, Japan and Korea).[13] The rest were "multi-national states."

In fact, many modern writers argue that an "ethnic nation" or "ethno-nation" is only one type. The majority of the nation states in the world are "social nations" (also known as civic nations), that is, several ethnic groups form a nation.[14] This modern concept of nation is a western one which emerged together with the emergence of the "nation-state" in the West during the 18th century with the rise of industrialization or a middle class. There is recognition that the origins of the modern nation may start in the ethnic concept, however, through historical development, the concept of

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

common ancestry has gradually been abandoned. Instead, new elements have been embraced. The modern nation-states in the West such as France, the UK and the US are based on multi-ethnicity, and hence are "social nations" rather than "ethnic nations." While in the Third World, many independent states are also "social nations," or "social nations in the making."

As many scholars define nations based on one ethnic group or many ethnic groups, there are scholars of nationalism who proposed different types of definitions. They argue that "nations" in fact are a form of "social construct" and based on imagination. Benedict Anderson views nations as "imagined communities" because "the members of even the smallest nation never know their fellow members, meet them, or even hear of them, yet in the minds of each lives the image of their community."[15] Why did they have this imagination? It is due to the development of communication through print capitalism.[16] In other words, they are a social construct of modernity rather than the product of old history. Similar to Anderson, Gellner states that "'nations' and the idea that they are at the root of the political obligation, have been invented (even if it is not consciously) in modern times."[17] He does not deny the importance of common culture (including a common language) in the component of a nation, but rather he does not think there was a continuity with the distant past. "Nation" is therefore more a modern political invention.

In fact, the question boils down to the characteristics of modern nation. Is it based on an ethnic group or multi-ethnic groups? Is it the continuation of the past or the product of the modern time? I am inclined to think that there are indeed at least two kinds of nations: ethnic nations and social nations. Clearly, an absolute majority of nations are social nations and hence not a continuation of the past. Only an ethnic nation has something to do with an ethnic group but its transformation into a modern nation is related to the present time.

Unlike the state, the nation is more a cultural and social than a legal and political phenomenon. There is common property of a nation, i.e. having common heritage, language and culture. These are some objective indicators, but there are also "subjective elements" such as self-identification as well as acceptance by other groups. In addition, culture and values may change over a long period and hence it becomes more elusive. Because of this, many

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

argue that "nation" defies definition. Its components continue to change, especially in the case of its territorial and demographic composition.

It is true that components of the nation may change from period to period, yet the essence appears to be constant over an extended period of time: Common history, common language and common territory. It appears that the language component is quite constant; a nation requires a common language but a common language does not make a nation. A nation without a common language, at most, is a nation in the making. "The sense of belonging to a people," as proposed by Emerson, is more difficult to measure but it can be done through survey research. In my view, it is meaningless to talk about "nation" without being able to offer any definition.

From a political scientist perspective, a definition is crucial for a proper understanding. The problem is not whether a "nation" can be defined. It is about who defines a particular nation. Who determines the boundary of the nation? Equally difficult is to determine the existence of a "nation." Even if we are able to identify the "objective" properties of the nation, the subjective elements may not be strongly present. Does it mean that the nation is already born? When is a nation born? Is X country already a nation or a nation in the making? Is the nation a project (the so-called "nation of intent"),[18] which is yet to be completed? Is nation in fact a spectrum rather than a specific goal?

Before proceeding further, the above interrelated questions need to be answered. Again, from a political scientist point of view, the state has been responsible for defining a nation. At any point in time, it may be more than one concept or definition of a particular nation, but the most influential one is the definition by the state. Because of this, my discussion will be focused more on the state definition. It is understood that the state definition of nation will not necessarily be the same over a long period of time as it depends upon the group which is at the helm. Nevertheless, within a particular era, one can still talk about the nature of a particular nation. It is true that many nations in the world are still in the making and some are more difficult to define than others.

As stated earlier, there are at least two types of nations: "ethnic nation" and "social nation." An ethnic nation (ethno-nation) is much more concrete and more stable than a social nation, which, in fact, is an incomplete project; but some social nations are more incomplete than the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

others, depending on the length of their history and demographic composition. The shorter their history, the more incomplete the nation; the possibility of "national disintegration" is also greater. All nations possess an identifiable territory, there is no "nation" which does not have an identifiable territory.

State, Nation-State and Multi-National State

Because of its territorial component, the term "nation" has also been confused with the term "state" as discussed at the beginning of this chapter. These two terms have been interchangeably used in the mass media, as if a "nation" is also a "state" and vice versa. As was defined earlier, "nation" is a cultural and social concept rather than a legal and political idea. Although some scholars have included political/ideological elements into the concept of nation, yet in many scholarly works, it is generally accepted that a "nation" differs from a "state." The state is clearly political and legal. (There will be a brief discussion on the state again in chapter III as it is linked to citizenship.) There is a functional definition or organizational definition of the state, but despite these differences, the "territory" and "institutions" are two major components of the state. In addition, the state is an exercise of legitimacy and often an instrument of domination.[19] For a Marxist, it was an instrument of a class, but for a "Culturalist," it is an instrument of ethnic elite.

We have problems here if we adopt the concept of "nation" based on a modern state because a nation may not be based on a modern state. Indeed, some "nations" do not have their own modern states, or they are currently divided by state boundaries. For instance, in the Middle East, the Kurds and the Palestinians are "nations" in search of a modern state. However, these people have their "historical territories" which are now part of the territories of other states such as Israel, Jordan, Iraq and Turkey. There are also scholars who argued that there are "minority nations" within modern states, and these "minority nations" such as the Basque in Spain, Quebecois in Canada, Tibetans in China are all "nations without a state."[20]

However, for scholars who adhere to the concept of "nation-state," these "nations" without states are not yet nations but ethnic groups. Like

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

many ethnic groups in Southeast Asia, they do not always inhabit the same state. The Malays in Southeast Asia, for instance, live in Malaysia, Brunei Darussalam, the Philippines, Thailand and Indonesia. There is no pan-Malay nation state in the world. The separation of one ethnic group in different states has been the result of colonial history. This is the case in the Middle East; this is also the case in Southeast Asia. This situation is the result of the colonial experience.

Today's Southeast Asian states, except Thailand, are based on colonial states; colonial powers drew their boundaries disregarding ethnicity.[21] Not surprisingly, all of these states are multi-ethnic. When the colonial powers left, newly independent states began to integrate their multi-ethnic or "multi-national" states into new "nations." Therefore, Southeast Asian countries (except Thailand) in reality are not "nation-states" but "state-nations." They were initially "colonial states," and were later developed into "nation-states" based on colonial boundaries. Nevertheless, due to the short "national" history, the foundation of nationhood is weak. They continue to face the challenge of ethnicity in different degrees.

Before discussing the Southeast Asian "nation-states," it is imperative to re-emphasize that most of the nation-states in the world are not "nation-states" but "multi-national states." Walker Connor, who has equated "nation" with "ethnic nation" conducted a survey in 1971 and maintained that out of 132 states, only 12 states (9.1%) were essentially "homogeneous." In other words, these 12 states are genuine "nation-states" as they consist of one ethnic group (i.e. one "nation"). These states were: Austria, Denmark, West and East Germany, Iceland, Ireland, Japan, North and South Korea, Lesotho, Luxembourg, the Netherlands, Norway and Portugal.[22] David Welsh, another scholar, in his 1993 article also maintains that less than 20 out of approximately 180 states are "nation-states." Similar to Connor, Welsh also defines "nation-state" as a state in which one ethnic group makes up more than 95% of the total population. Unlike Connor, Welsh does not list the names of those states.[23]

The Concept of Nation in Southeast Asia

In Southeast Asia, Western-trained intellectuals also speak of nation and *ethnie*, as if the situation over here is identical with the West. If we examine

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

these terms in Southeast Asian "indigenous" languages, we will discover that many are loanwords from either Arabic or Sanskrit, and the meanings are not always identical with the terms used in the West. Some Southeast Asians are aware that there are no equivalent indigenous terms and hence use indigenized western terms.

In Indonesia and Malaysia, the two "Malay" countries for instance, use the term *bangsa* to refer to nation. *Bangsa* is a Sanskrit word, which means "people." However, its modern usage in the above countries has often been associated with "race." The majority of the Indonesian nationalists, especially before World War II, employed the term to refer to indigenous groups excluding both the Chinese and the Arabs.[24] Some of the Indonesian nationalists who have been heavily influenced by the West suggested the use of the Dutch word *natie* to refer to the new "nation," and *nasional* for "national" instead of *kebangsaan*. However, the Dutch term *natie* (or English loanword *nasion*[25]) never became popular.

Other terms such as *orang* and *suku* are also used in Indonesia. Both are indigenous terms but *orang* means both people (e.g. *orang Indonesia*) and ethnic group (e.g. *orang Jawa*), while *suku* only means ethnic group (e.g. *suku Sunda*); both have more limited meaning than the term *bangsa*.

Although the Malay (*Melayu*) as an ethnic group existed since the Malacca kingdom, or at least in the 17th century when *Sejarah Melayu* (Malay Annals) was written, but as a modern "nation" based on British Malaya it was the product of British colonialism. It is true that the Malays themselves called peninsular Malaya (Semenanjung Tanah Melayu), but it also came into being during the colonial period. The emergence of the term "Indonesia" is even later. Although it is said that a German used this as a geographical term, Indonesians themselves used this term in 1920 — the overseas Indonesian students in the Netherlands used the term to name their association, Perhimpunan Indonesia (to be more precise, the association originally used a Dutch name: Indonesisch Vereeniging). It was popularized during the nationalist movement that started in the 1920s. Before the nationalist movement, the term to refer to Indonesia in the local language was Hindia Belanda (Dutch East Indies).

In the case of the Philippines, the concept of *nasyon* (nation, a Spanish loanword) came together with the nationalist movement. In the Philippines' own language, especially in Tagalog, which has become the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

basis of Filipino, there is a term to refer to nation, *bayan*.[26] Its original meaning was people who came from the same locality or town. The expanded meaning emerged after the rise of Philippine nationalism. In the Moro language, "nation" is called *bansa*, which comes from a Sanskrit term *bangsa.* In fact, the term Moro itself is a Spanish word, which was used to refer to the Muslim population. The term *bansa Moro* (Moro Nation) was a more recent phenomenon, which came into existence with the rise of the Moro liberation movement in the late 1960s of the 20th century.

In the case of Thailand, before the rise of Thai nationalism, there was a Thai term, "Chao Siam" which refers to the "People of Siam." The term Siam, which was the name of the kingdom, was more popular than the term Thai, although some historians claimed that Sukhothai was the first Thai kingdom, and hence the origin of the Thai people. Nevertheless, students of nationalism pointed out that "Thai" nationalism emerged in the 20th century during Rama VI. There was a movement against the Chinese. The term Thai instead of Siam (Sayam) was gradually promoted.[27] As late as 1932, the name of the country in the first Thailand constitution was still "Siam," not Thailand. It was during the Phibunsongkhram period (1939–1942) that the name of the country was changed from Siam to Muang Thai in Thai or Thailand in English.[28] In Thai, the concept of "nation" was vague as *Chat* refers more to a state rather than nation.[29] It is worth pointing out that in 2007, a Thai leading historian Charnvit Kasetsiri has noted that the term Thailand is not inclusive of other ethnic groups and urge the government to rename Thailand Siam but without success.[30]

In Indochina, northern Viet Nam (Vietnam) is an old kingdom based on the Viet people. Originally it was used by the Han Chinese to refer to the southern "barbarians." However, it was later adopted by Vietnamese nationalists to refer to the Viet ethnic group. The vernacular term which refers to ethnic Viets is Kinh, meaning the capital (*jing* in Mandarin) or the town people. This term is used in opposition to the hill people (*Thuong*).[31] Prior to the coming of the West, Vietnamese "nationalism" (more correctly Vietnamese identity) was in opposition to the Han Chinese, but after Western colonialism, it was defined in terms of their opposition to the West (French). Opposition to both Chinese and the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

"West" is, however, revitalized by Vietnamese efforts to emulate these countries culturally and economically. Taking into account the continual southward expansion, the elite defined Viet national identity in terms of constructing and defending the nation, i.e. a continual (historical) resistance against foreign invasion. This construction of course overlooks Vietnamese aggression against Champa and Cambodia.

The concept of nation in Burma/Myanmar is also new. In the past, there was no concept of nation in the Burmese language, but *Naing ngan*, meaning kingdom or state. During the colonial period, the same term was used to mean the colonial state of Burma. After independence, the term is used to refer to an independent Burma state. The name of the state in Burmese is Myanmar or Bhama. One source maintains that during the British colonial rule (from 1885 to 1948), the country was known as Burma (from the Burmese *Bamar*).[32] But after independence, Burma continued to be used until the military government changed the name to Myanmar, which is from Burmese *Myamma*. Both Burma and Myanmar are the name of an ethnic group, usually known as Burman in English. It is obvious that Burma is the country of ethnic Bhama. Not surprisingly, many ethnic groups such as Shan and Karen did not feel at home in the Bhama-dominated Union of Burma.

From a brief survey of the terms regarding nationhood in six Southeast Asian countries, one can draw a conclusion that the concept of modern nation came into being in Southeast Asia only in the 20th century. In most cases, even the names of the nation were the product of the last century. It is closely linked to their western colonial experience. In fact, the concept emerged with indigenous nationalism, which was led by Western-educated or modern indigenous elite, which aimed at creating a modern "nation-state" along the colonial boundaries. In many Southeast Asian countries, the new nation that they sought to build had a racial/ethnic connotation. This is often tied to the concept of indigenism, which grants special privileges to the natural born people or "sons of the soil."[33]

It is also imperative to note that all Southeast Asian states, except Thailand, were colonized and emerged after World War II as independent "nation-states" based on colonial boundaries, which are often arbitrarily drawn. Ethnicity was not the basis for the drawing of the Southeast Asian state boundaries. Not surprisingly, Southeast Asian colonial states were

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

multi-ethnic/multi-racial. As a result, when the colonies attained independence, the indigenous elite inherited multi-ethnic states. Even Thailand, which was never colonized, was the result of its interactions with colonial powers, especially the French and British. (This will be discussed again in this chapter). Due to the divisive nature of ethnicity, most of the Southeast Asian governments have decided to manage multi-ethnic societies by introducing policies of national integration.[34] The objective of national integration has been to create a nation based on the existing state boundary.

Nevertheless, the definition of nation differs from country to country. We have discussed earlier that the concept of nation has been drawn from the West and hence they have strong Western/modern elements. However, indigenous/traditional elements have also crept into the concepts, especially ethnic/racial concepts. With the coming of the West, the concept of indigenous population or "son of the soil" (indigenism) had also been introduced. Indigenism has tended to divide the population into two groups with different rights. This division has also got into the concept of nation in Southeast Asia.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Nation and Indigenism

The term "indigenous people" is dynamic and not easy to define. Jose R. Martinez Cobo in his UN report defines indigenous peoples as

> "communities and nations are those which, having a historical continuity with pre-invasion and post-colonial societies that developed on their territories, consider themselves as distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."[35]

Regarding "indigenous peoples," the President of the United Nations' General Assembly in 1994 also stated that

> "among the peoples of the earth, indigenous people constitute a vulnerable group which has long been neglected. Their social structures and lifestyles

> have suffered the repercussions of modern development. They have been subject to growing pressure to bring their languages, religions, knowledge, arts and oral traditions, and the other manifestations of their ways of life, into conformity with those of the majority social groups around them."[36]

The prevailing definition of "indigenous peoples" refers to weak minority groups who are distinct from the dominant peoples — who may also be "indigenous peoples" — but in the UN current definitions, the latter appeared not to be included. Nevertheless, in the historical context, in the colonial period, the now dominant "indigenous peoples" had also been subjected to oppression and discrimination. Only after independence when the political situation changed, are there equalities among the "indigenous peoples."

The origins of indigenism in Southeast Asian may be traced to pre-colonial times when people are divided into "we" and "they"; however, the institutionalization of "indigenism" took place when the European powers began colonizing the Asian and African states such as Nigeria, Malaya, Indonesia and other less developed countries. (This institutionalization remains even after the departure of colonialists.) In the case of the British, who were lured by the spice and natural resources to the Malay Archipelago, they had regarded the Malays in Peninsular Malaya as the indigenous race of the country. This can be seen in that they were accorded preferential treatment, being owners of the land, with whom they came to trade with. They also introduced indirect rule, using the indigenous leaders as the figureheads while the British ruled behind the throne.

Another possible origin of indigenism can be attributed to the "indigenous groups" own desires. It is they, the indigenous groups, who claimed the rights of indigenism by being the original inhabitants. That is, they have formed expectations that since they are the indigenous group of the land, their primacy cannot be challenged. Sri Lanka's Sinhalese have from time immemorial considered the Island of Ceylon to be purely their own, bestowed upon them by Buddha. Thus, not only do they have the rights to claim indigenism, their rights are backed by divine intervention.

The Dutch in the Dutch East Indies also divided the population into the native and non-native, acknowledging that the land belonged to the natives and the Dutch were temporary custodians. The Chinese, Arabs and

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Japanese were called "foreign orientals" and were not allowed to own agricultural land.

The concept of indigenism — known as *penduduk asli, bumiputra* and *pribumi* in Indonesia but *bumiputra* in Malaya/Malaysia — is employed by the indigenous states when formulating their laws and regulations.

Nevertheless, at the beginning, the non-indigenous population did not challenge the concept. Probably the non-indigenous population then considered themselves as sojourners. However, after WWII, when Southeast Asian countries gained independence, and the non-indigenous population began to realize that they were no longer sojourners but settlers, they began to challenge the concept of indigenism.

The first serious challenge came from Singapore leaders in Malaysia in May 1965. Lee Kuan Yew for instance, engaged in a debate with Ja'afar Albar, the then secretary-general of UMNO, during the Malaysian election campaign. Lee Kuan Yew challenged the special status and privileges of the Malays. Lee claimed that no racial group was any more native than the others. In his words:

> "According to history, Malays began to migrate to Malaysia in noticeable numbers only about 700 years ago. Of 39% Malays in Malaysia today, about one-third of them are comparatively new immigrants like the Secretary-General of UMNO, Dato Syed Ja'afar Albar, who came to Malaya from Indonesia just before the War at the age of more than 30. Therefore it is wrong and illogical for a particular racial group to think that they were more justified to be called Malaysians, and that the others can become Malaysians only through their favour."[37]

The Malays were very upset with the statement. Albar stated that

> "To say that the Malays are like the other races in this country and that they have no extra right in calling this country their homeland is an insult to the Malay race. It is as if Harry Lee was saying that the Malays were also vagrants, finding shelter in this country."[38]

Tun Abdul Razak, then the second in command in Malaysia, also attacked Lee by saying that "Mr. Lee not only upset the Malays but also the rulers and everybody else."[39] Razak even argued that Lee should be

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

removed if the people of Singapore wanted to maintain good relationship with the Malaysian Malays.[40]

Dr. Mahathir Mohamad, who assumed the premiership in 1981, also argued along the same lines in 1970: "The Malays are the rightful owners of Malaysia, that immigrants are guests until properly absorbed."[41] Mahathir maintained, "the Malays are the original or indigenous people of Malaya and the only people who can claim Malaya as their one and only country. In accordance with the practice all over the world, this confers on the Malays certain inalienable rights over the forms and obligations of citizenship which can be imposed on citizens of non-indigenous origins."[42]

He further noted, "[t]he aim of these rights and the exercise of them are not designed to perpetuate the privileges of the original definitive race to the exclusion of the newer immigrant races, but only to ensure the perpetuation of the characteristics of the definitive race."[43]

The conflict between the indigenous Malays and the non-indigenous Chinese eventually led to the expulsion of Singapore from Malaysia. Hence the emergence of the only immigrant state in Southeast Asia. However, indigenism elsewhere did not receive any significant challenge. (At this juncture, I would like to add that the boundary of indigenism is not fixed. Nevertheless, it is the state, which defines its boundary.)

Dominant Indigenous Ethnic Group and Southeast Asian Nations

The name of the country sometimes more or less indicates the dominant ethnic group within the state. Vietnam indicates that this is the land of the Viets; Myanmar is another name of Burma (Bhama) or Burman, which is the name of the dominant ethnic group in that country; Thailand means the land of the Thai; Malaysia is a Malay-dominated country.

However, one has to add quickly that in the implementation of nation-building, the governments of the above countries may not seek or be able to assimilate other ethnic groups and transform them into the dominant ethnic group. In many cases, the constitution guarantees that all ethnic groups in the country have religious and linguistic freedom. Nevertheless, in building a new nation, the frame of reference is always with the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

dominant ethnic group. In the case of Malaysia, Malay is the national language. Islam, the religion of the Malays, is "the religion" of Malaysia. Malaysia's national culture is often considered to be based on the Malay culture and Islam. Non-Malay elements may be accepted provided they do not contradict Islam.[44] To build an "ethnic nation" in a multi-ethnic society is extremely difficult, if not impossible. Therefore in reality the above states are still creating "indigenous hegemonic social nations" instead of "ethno-nations," at least in the foreseeable future. However, the definition of the nation is the crucial factor for the acceptance or rejection of the local population towards one particular minority group.

Unlike "ethnic nations," the names of Indonesia, the Philippines and Singapore do not represent any dominant ethnic group. There is no dominant group reference in the process of nation-building. Nevertheless, a state attempts to seek congruence among different ethnic groups within a country. Value integration is stressed while common symbols, including a common language, are sought in order to provide unity. In the case of Indonesia, for instance, the Malay language, a minority *lingua franca* (later known as *Bahasa* Indonesia), not the language of the majority Javanese, was selected as the national language. National education is largely based on the national language although ethnic languages are allowed to be used at the primary level. National culture is based on multi-ethnic groups and unity in diversity is observed. But the national literature is based on the Indonesian language. Ethnic literature is considered to be sub-national, which is not accorded the same high prestige as the national one.

The concept of the Philippine nation is more confusing. The national anthem is sung in Visayan, and foreign languages such as Spanish and English have been used as the languages of Philippine nationalists. Even the name "Philippines" came from a Western name. The adoption of the Tagalog-based national language — Filipino — is also very recent, and its wide acceptance in the Philippines is still a problem.

The concept of Singapore nation is not easy to grasp either. Singapore is the only Southeast Asian state, which is "non-indigenous." It is an immigrant state rather than "indigenous state." However, the national language of Singapore is Malay, and the national anthem ("Majulah Singapura") is in Malay, but Malay is not widely used. Many non-Malays

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

do not understand Malay at all! English is the common working language, and state-defined mother tongues are encouraged.

It is essential to note that among these social nations, Indonesia and the Philippines belong to the category of "indigenous social nations" in the making, while Singapore is an "immigrant social nation," also in the making. In other words, the indigenous social nation uses the native ethnic groups as its frame of reference, while the immigrant social nation uses the model of the immigrant groups themselves.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Nation-Building in Southeast Asia

As pointed out, Southeast Asia consists of multi-ethnic societies. With the exception of Thailand, they were ex-Western colonies. Why did the different ethnic groups in a colony eventually come together and form a new national entity? This is linked to the nationalist movement or nationalism, a movement which is aimed at building a nation or an independent nation-state along the former colonial boundaries.

The factors which contributed to the emergence of nationalism or the nationalist movements in Southeast Asia are complex. But most of the literature attributes this to Western colonialism which resulted in significant social, political and economic changes in the colonies. These changes made it possible for various ethnic groups in the colonies to become aware that they are a community. If I may borrow the concept of "social communication" coined by Karl Deutsch, I would argue that colonialism had provided various ethnic groups in the colonies a form of "social communication" which was absent before colonialism. These ethnic groups eventually realized that they were linked together; they formed a community. Deutsch argues that "a community which permits a common history to be experienced as common, is a community of complementary habits and facilities of communication."[45] Colonialism has provided these complementary habits and facilities of communication.

Indeed, under colonialism, people were exposed to the money economy, they were ruled under the colonial administration, colonial law, colonial political system. Many also received Western education. It was under the colonial rule that various ethnic groups began to know each other and discovered their common experiences and destiny.

The introduction of Western education by the colonialists is most significant as various ethnic groups began to understand their common problems and issues. The Western-educated elites of various ethnic groups (especially the indigenous groups) finally realized that they had common enemy and wanted to establish an independent, modern nation-state along the colonial boundaries, hence the rise of nationalism and a new nation.

Political Scientist John Kautsky and Sociologist W.F. Wertheim are of the view that colonialism generated social change in developing countries, including Southeast Asia.[46] Two things are crucial: the disintegration of older forms of society and communal life and the emergence of the middle class and the "common man" as a group which was able to cut across the subnational boundaries. The nationalist movement in developing countries is mainly an urban phenomenon, and associated with mass movement and represent the drive of modernization; the Western-educated indigenous elites played an important role and distinguished the movement from agrarian unrest.[47]

Kautsky focuses on two elements: nationalism as anti-colonialism and the role of the intellectuals in the movement. He contends that the origin of nationalism in developing countries has nothing to do with Nationality, i.e. with a common language and culture, nor with loyalty to an existing independent government. In his view, nationalism in developing countries is characterized by anti-colonialism, which is the *only* unifying factor. He argues that the six social strata, three old (peasants, tradesmen and craftsmen, and aristocracy) and three new (workers, capitalists and intellectuals), are resentful of colonialism.[48] The leadership of the movement is assumed by the intellectuals. When colonial power is removed, the unifying factor is lost and splits take place among the leaders. Western-educated leaders defeated aristocratic leaders and gained the movement. It is understandable that the movement has more or less become identical with the nationalism of the intellectuals. It may now be defined, says Kautsky, as the drive of the intellectuals for rapid industrialization.

Kautsky's stress on the intellectuals is interesting and there is no doubt that the (indigenous) intellectuals or Western-educated leaders have played a crucial role in the nationalist movement. However, it is questionable that the only unifying factor in the nationalist movement was anti-colonialism. Kautsky has underestimated the extent of social change in these developing

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

societies, including Southeast Asia and the impact of nation-building in the process of the nationalist movement. Colonialism has transformed the society to be more integrated in terms of economy, administration, politics, education and communication. The embryonic concept of nation has begun to emerge in the process of the nationalist movement and many urban dwellers have become conscious of a new nation. Even after the removal of their colonial masters, this nationalist feeling still exists.

The desire to build a new nation-state still prevails even after political independence was achieved. It is perhaps true that the nationalist feeling is not as strong during the independent movement. Nevertheless, the governments in Southeast Asia tended to continue this nation-building process, mainly through national integration. However, the nation-building process has not been smooth and faced many problems, ethnic rebellions against the central government occurred. Some countries face nation-building crisis. Professor Wang Gungwu argues that the model or guidance that they used is often from the West, mainly British and French rather than the US and Canada.[49]

It is quite clear that the concept of nation is imported and is still relatively new in Southeast Asia. Many describe Southeast Asian states to be still in the early stages of nation-building, i.e. to transfer the loyalty from ethnic groups to a nation. In the following sections, there will be discussions and analyses regarding nation-building and citizenship building of Southeast Asian countries but three states will be selected for examples: Singapore, Malaysia and Indonesia. Through these examples one can have better appreciation of nation-building in this part of the region.

Concluding Remarks

There has been confusion between ethnie, race, nation and state in most of the general literature. In general, ethnie often equates to race, and nation and state are also used interchangeably. But in the scientific literature of ethnicity and nationhood, these concepts are quite different. Nevertheless, there are no generally accepted definitions of these terms. Therefore, it is important to define these terms at the beginning of the arguments.

Generally, the students of ethnicity and nationhood define ethnicity as an ascribed identity and it has something to do with common ancestry, real

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

or imagined, and common cultural behavior, while race refers to skin colour and physical features. With regard to ethnie and nation, some believe that they are the same, while others define nation as an achieved identity, i.e. different ethnic groups can form a nation. If we accept that nation is an achieved identity, the difference between nation and state is therefore quite obvious, the former if a politico-cultural (and psychological) concept while the latter is a politico-legal concept.

As noted earlier, the above-concepts are originally from the West and later partially accepted and applied to non-Western countries, including Southeast Asia. As the concepts were first developed by Western social scientists, understandably many terms do not have their equivalents in the Asian/Southeast Asian languages. As a result, the meaning of these terms as understood in Asia/Southeast Asia often differs from the original terms used in the West.

While some of the above-mentioned terms are easier to define, others are more difficult. "Nation" is one of the good examples. In this study, the author is aware of the different definitions of "nation" but focus his discussion on the state-defined nation, as it is closely linked to nation-building. The state-defined nations in Southeast Asia differ from state to state and in each state, the elements of a nation can be identified during a specific period of time.

As the emergence of the term "nation" in Southeast Asia was in the 20th century following the rise of nationalism or the nationalist movement (with the possible exception of Thailand), which was in fact a movement to create a "nation-state" based on the former colonial boundaries, it is therefore understandable that nation-building in this region has been rather new and the model (models) used have been "nation-states" more in Europe than in the US. Nation-building started soon after these ex-colonies gained independence but the process has not been completed.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Endnotes

1. *See* for instance, Hill and Saldanha (2001).
2. Some also include the US as one of the first modern nations.
3. Connor (1986).

4. Hutchinson and Smith (2006, p. 2). Anthony Smith uses *ethnie* for ethnic groups, *see* Smith (1981, pp. 64–66); *see also* Kellas (1991, p. 48).
5. Whimster (2003, p. 150).
6. *See* Schermerhorn (1970, p. 12).
7. Emerson (1960).
8. *Ibid.*, p. 104.
9. Kymlicka (1995, p. 11).
10. Opening statement, "Nations and their pasts" in Smith (1996, p. 359).
11. Smith (1993, p. 11). If we accept Smith's rigid concept of modern nation, I am afraid that many Western nations, including the US, the "first" so-called modern nation, are not qualified to be called modern nations as there was no "legal-political equality of members" before the civil rights movement in the 1960s.
12. Connor (1994, pp. 45–46).
13. *See* Connor (1973, p. 2).
14. James G. Kellas divides nations into ethnic nation, social nation and official nation. I find the categories of ethnic-nation and social-nation very useful but not the categories of "official nation" (nationalism of the state). For his discussion of this, *see* Kellas (1991, p. 3). However, Anthony Smith earlier coined the term ethnic nation and civic nation, which are comparable to Kellas's first two categories.
15. Anderson (1998, p. 6).
16. *Ibid.*, p. 6.
17. Gellner (1998, p. 93).
18. The term "Nation-of-Intent" was first used by Robert Rotberg in an African context and has been developed by A.B. Shamsul in the context of Malaysia. *See* Shamsul (1996, pp. 323–352).
19. Heywood (1997, pp. 85–86).
20. Guibernau (1996, pp. 100–114).
21. Although Thailand was never colonized, its boundaries were also determined by Western colonial powers. For instance, Chulalongkorn gave away Thai territories to both France (1902 "Laos," 1907 Western Cambodia) and Britain (1907, four northern Malay States formerly under Thai suzerainty). It was argued that by doing this, Thai independence was "guaranteed" by France and Britain.
22. It is interesting to note that Connor considered North and South Koreas as one nation-state; so were West and East Germanies. *See* Connor (1973, p. 2).
23. *See* Welsh (1993, p. 45). The 95% is arbitrary.
24. *See* Suryadinata (1981, pp. 163–166).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

25. The term Nasion was used by some leftwing writers and Western-trained academics, for instance, Harsja Bachtiar, a Ph.D. from Harvard who was a Professor at the University of Indonesia. He noted that "Nasion" in bahasa Indonesia is more accurate than "Bangsa" to refer to "Nation" as "Bangsa often has a connotation of a common ancestry." *See* "Integrasi Nasional Indonesia," paper originally published in *Wawasan Kebangsaan Indonesia — Gagasan dan Pemikiran Badan Komunikasi Penghayatan Kesatuan Bangsa* (Jakarta: Bakom PKB Pusat, 1994), republished in Indra J Piliang, Edy Prasetyono and Hadi Soesastro, eds., *Merumuskan Kembali Kebangsan Indonesia*, (Jakarta: CSIS, 2002). The discussion of Nasion and Bangsa can be found on pp. 31–33.
26. *Disyunaryong Filipino-English*. Matro Manila: Komisyon sa Wikang Filipino, 1992, p. 81.
27. One Thai scholar argued that "the real purpose of the country's name change is still frequently debated. Many Thais believe that the term 'Thai' means 'free,' and that the meaning of the country's name therefore reflects the Thai people's love of freedom." *See* Chachavalpongpun (2010, p. 201).
28. Terwiel (1983, pp. 343, 349).
29. I would like to thank Dr. John Funston for his insight on these terms.
30. "Historian wants country called 'Siam,'" *The Nation*, 3 April 2007, <http://www.nationmultimedia.com/2007/04/03national/national_30030960.php> (accessed on 4 January 2013).
31. David Marr (1971, p. 7) argued that "the Vietnamese have tended to set themselves apart most sharply from the various montagnards."
32. Swe (2012).
33. Some writers, for instance, Ronald Niezen, use the term indigenism to refer to "Indigenous peoples … derive much of their identity from histories of state-sponsored genocide, forced settlement, relocation, political marginalization, and various formal attempts at cultural destruction." *See* Niezen (2003, p. 5). Apparently, this is just one type of "indigenism," which refers to minorities groups who were oppressed by the state. However, I use the term here to refer to both majority and minority groups who have the status of the "first people" in the state that they live. They may have been oppressed during the colonial rule but after independence, many became masters of independent countries and use this special status to "suppress" other non-indigenous groups.
34. On the definition of national integration, *see* Weiner (1967, pp. 150–160).
35. Martinez Cobo cited in Howitt, Connel and Hirsch, eds., (1996, p. 11).
36. *Ibid.*, p. 10.
37. *Straits Times*, 5 May 1965, cited in Fletcher (1969, p. 62).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

38. *Ibid.*
39. *Straits Times*, 11 May 1965.
40. *Ibid.*, also Fletcher, p. 63.
41. Moore (1970).
42. *Ibid.*, p. 133.
43. *Ibid.*, pp. 134–135.
44. Saad (1983, pp. 64–65).
45. Deutsch (1962, p. 96).
46. Kautsky (1962); Wertheim (1964).
47. Kautsky stresses the importance of modern intellectuals in the modern nationalist movement which differentiates them from the traditional leaders. *See* Kautsky (1962, pp. 44–56).
48. *Ibid.*, pp. 38–44.
49. Wang (2005, pp. 269–270). The original article was published in JMBRAS, 2000.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 3

Nation, Citizenship and Indigenism*

If the concept of nation is complicated, so is the concept of citizenship. The relationship between nationality and citizenship is quite complex. Originally, nationality refers to "the status of belonging to a particular nation" (Oxford Dictionary definition). But many use nationality and citizenship interchangeably. Citizenship law is often called nationality law.[1] When a person is asked about his/her citizenship, the term used is "nationality." An American citizen is also known as an American national. In Hong Kong, a Chinese who holds a British passport is either called British Overseas Citizen (BOC) or British National Overseas (BNO).

The interchangeable use of these two terms, nationality and citizenship, originated in Europe. Countries such as Britain, France and Germany wrongly believed that people within their territories, i.e. their citizens, shared similar culture and traditions. Therefore "nationals" and "citizens" are considered as synonyms. However, Azril Bacal maintains that

> Citizenship and nation are modern concepts linked to their current usage with the French Revolution. This historical event of the late 1700s triggered the liberal revolutions and the process of political modernization in the words of Therborn (1995:6), 'the French Revolution put the nation and the citizen as the new basis of the state'.[2]

*Some of the sections in this chapter derives from my article: "Citizenship, Indigenism and Ethnic Chinese in Southeast Asia: Some Observations," *CHC Bulletin*, Issue 11 (May 2008), pp. 1–7.

However, the writer admits that prior to the French Revolution,

> citizenship refers to the legal and political relations between the state and its citizens … [while] the concept of nation originally implied the more communalistic sense of people (volk) and the subjective or emotion-laden dimension of the national-state (nationhood).[3]

It is clear that nationality which is linked to "nation"[4] (I prefer the term Nationhood to Nationality), and citizenship are two different concepts; the former is cultural (and sometimes also political), while the latter is legal (and sometimes also political). Nationhood (Nationality) is linked to a socio-cultural unit, while citizenship is linked to a state.

As a matter of fact, the concept of citizenship can be traced back to the Greek and Roman city-states. It emerged in the classical Graeco–Roman world.[5] The term citizen denotes a member of a political community. In Athens and Sparta, for instance, the people had "equal rights and obligations." But not all people were citizens; women and slaves were not considered citizens. With the expansion of city-state, citizenship became less rigid. The conquered people were given "citizenship." Some individuals had double citizenship, as a person could be both a Roman citizen and a citizen of another country. A well-known example is that of Paul, the founder of Christianity, who was a citizen of Tarsus in Asia Minor as well as a citizen of Rome. Due to his Roman status, he was able to claim privileges when he was arrested.[6] During the period of the city-state, the problem of citizenship was not complex since it was a tight society. With the development of modern states, the concept of citizenship was gradually modified and expanded. France and the UK were the first states to introduce the modern concept of citizenship. This represents the liberal tradition of citizenship.

Citizenship and Nationhood: Are They the Same?

Conventionally, a state has been defined as a political unit, which has the following components: a defined territory, a people who live within such a territory, and a sovereign government.[7] Max Weber who emphasizes these three aspects provides the most influential definition: territoriality, monopoly by means of physical violence and legitimacy.[8]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

In Europe, initially a citizen was also a member of the nation as there was a belief that western countries were "nation-states." The state was based on one nation. More recently, many Western countries "discovered" that they are in fact multi-ethnic or multi-national. In the UK, for instance, the Irish refused to acknowledge that they are English; in Germany, many migrant workers from Turkey also became German citizens. A citizen of a state does not have to be a member of a nation. Citizenship is not identical with nationhood. Citizenship is conferred by a state, and can be changed rather easily. Take the Chinese in Singapore for example. A Singapore Chinese who was born before World War II might be a Chinese citizen and a British subject at the same time. During the Japanese occupation (1942–1945), he was a Japanese subject, between 1963 and 1965, he was a Malaysian citizen, and after 1965, he became a Singapore citizen proper. If he migrated to Australia, he could eventually take up Australian citizenship. In recent years, due to the globalization process, some countries have begun to commodify citizenship. Foreigners with skills and the capital needed by the country concerned will be granted citizenship easily. Many athletes, for instance, were granted citizenship of a country in the context of "talent hunting."

The problem of citizenship has been complicated by dual citizenship. The recent examples of Peru's President, Alberto Fujimori (1990–2000), is worth mentioning. Fujimori was born in Lima, Peru, of a Japanese parent in Peru, and he eventually became the president of his birthplace. His mother registered him in a Japanese embassy in Lima and hence he was a Japanese citizen as well.[9] In the political struggle, he was defeated and fled to Japan. The new government subsequently charged him with corruption and violation of human rights and requested the Japanese government to extradite him, but the request was rejected based on two grounds: Fujimori was a Japanese citizen[10] and there was no extradition treaty between the two countries.[11]

Another example is from Southeast Asia. The Acehnese rebel leaders such as Hasan di Tiro (The President of the Aceh Independent Movement) and Teungku Malik Mahmud (Prime Minister of Aceh Independent Movement) are citizens of Sweden.[12] When the Aceh Independent Movement was still hostile to the Republic of Indonesia, they were protected by the Swedish law and could not be extradited to Indonesia.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Again, Indonesians who left the country during the 1965 upheaval, resided in the Netherlands and eventually became Dutch citizens. Nevertheless, after the fall of Suharto in 1998, they were able to return to Indonesia as tourists. They were still concerned about the development of Indonesia and identified themselves as members of the Indonesian nation. The following example may be typical. Isa Ibrahim was asked how he felt after becoming a Dutch citizen and whether or not he still regarded himself as an Indonesian (*orang Indonesia*). He said,

> "I still love my fatherland (*tanah air*) and my nation (*bangsa*) very much. Every time I visit Indonesia, my love for my nation increases."[13]

One cannot change his/her national identity overnight. Of course here we have adopted the definition of scholars who define a nation in politico-cultural terms. Nevertheless, some writers continue to equate nationhood with citizenship. In fact, nationhood is often rather "abstract," while citizenship (in terms of citizenship law) is more "concrete."

Let us summarize the similarities and differences between nationhood and citizenship. As discussed previously, nationhood is a politico-cultural and even psychological concept, while citizenship is largely a politico-legal concept. Nationhood consists of cultural symbols, rituals, common history, etc., while citizenship is mainly on loyalty to the state as well as legal rights and obligations of a citizen. As many countries have a requirement of proficiency in "national" language plus loyalty of a citizen to the country concerned, they are commonalities between nationhood and citizenship. Actually, when we examine these two concepts carefully, one notices that in citizenship, there are no real cultural and psychological elements. Also with the commodification of citizenship and the presence of the dual citizenship concept, nationhood becomes much more different from citizenship.

Conventionally, citizenship as introduced in the West is supposed to be equal. In other words, equality is the basic element of a citizenship, but in practice, this is not always the case. The UK has introduced a concept of new citizenship for its overseas subjects. These overseas citizens (i.e. Hong Kong Chinese) do not have identical rights as common British nationals. For instance, the British National according to the law has the abode right while a British Overseas Citizen (BOC)

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

or British National Overseas (BNO) does not although both hold British passports.[14]

In some Southeast Asian states, for instance, citizens are divided into "indigenous" and "foreign descent," and enjoy different rights. This kind of citizenship is known as "segmented citizenship."[15] Malaysia is one of such state which employs such citizenship.

Like the concept of nation, the concept of citizenship in Southeast Asia has been newly introduced. Prior to independence, people in Southeast Asia were more familiar with the term subject-ship rather than citizenship. This is due to the existence of kingdoms or empires rather than independent modern states. In traditional Southeast Asia, different terms were used to refer to subject-ship. After Western colonization, "subject-ship" was still used but in a different context, the person is no longer the subject of a local king but of a foreign (Western) king.

In colonial Indonesia (the Dutch East Indies) and British Malaya, those people who were born in the colonies were either Dutch subjects (*onderdanen*) or British subjects as well as the subjects of Sultans. The Indonesian (Javanese) term is *kekawulaan* while the Malay term is *kerakyatan* (from the Arabic loanword *rakyat*, meaning subject). A citizenship law was introduced after the country attained independence. In Indonesia, citizenship is called *kewarganegaraan* (originally it means state-affiliated member) while in Malay the term is still *kerakyatan* as Malaya/Malaysia is a constitutional Monarchy.

Brunei Darussalam is a sultanate and an absolute monarchy. Strictly speaking, there is no concept of citizenship, and only subject-ship exists in Brunei. The term *kerakyatan* is used to refer to Bruneians. As in Malaysia, the term *kerakyatan* has been translated into English as citizenship.

The concept of citizenship in Thailand is even more recent, it is called *Saen Chat*, which is different from the concept of Thai "nationality," which is *Cheua Chat*. A Thai can become a foreign citizen but he/she remains as Thai in his/her "nationality."[16]

Citizenship and the Concept of T.H. Marshall

The concept of citizenship is complex. In general, there are two types of concepts; one is defined as a member of the community, while the other

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

is linked to the state.[17] For the first one, represented by T.H. Marshall, the citizen is defined as a "member of a community," while other writers define the citizen as a "member of the state." There is no leading advocate for the second school of thought as this is the most common view adopted by many writers who write on citizenship issues. The citizenship "law" of the US is closest to this definition.

The US Supreme Court in *United States v. Cruikshank* (1875) stated:

> "Citizens are the members of the political community to which they belong. They are the people who compose the community, and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights."[18]

Although the term "political community" was used, the authority was "the dominion of a government," or in the present day, a state.

Nevertheless, these two schools of thought continue to exist side by side.

T.H. Marshall argues that, "Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed."[19]

Due to his familiarity with the UK, his citizenship theory was coloured by the British experience. In his view, citizenship involves three kinds of rights, namely civil rights (The rights to freedom of expression and access to information, the rights to freedom of association and organization, equality before the law), political rights (the rights to vote and seek political office in free elections) and economic and social rights (the rights to welfare and social security and perhaps full employment).

Marshall was also much concerned with "democratic principles" as well as the political and economic rights of citizens, ignoring both the cultural rights and the role of the state in defining citizenship. For one thing, Marshall argues that the status of citizenship is endowed by the "community" and all citizens are equal. But in reality, the status is bestowed by the state, and some citizens may be more equal than others.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Also, there is an assumption that the society is culturally homogeneous, therefore cultural rights are not an issue.

The ideal concept of citizenship as proposed by Marshall cannot be applied to the Asian situation. In many countries, including some Southeast Asian states, until very recently, the citizens were divided into indigenous citizens and non-indigenous citizens. They were first-class and second-class citizens. This division is often linked to the concept of indigenism which in turn is linked to the concept of indigenous populations. According to David Robertson,

> "As empire building and colonial settlement proceeded from the sixteenth century onwards, those who already inhabited the encroached-upon lands and who were subjected to oppressive forces became known as indigenous, native or aboriginal. Such designations have continued to apply to people by virtue of their place and condition within the life-altering human encounter, set in motion by colonialism. Today, the term indigenous refers broadly to the living descendants of pre-invasion of inhabitants of lands now dominated by others. Indigenous peoples, nations, or communities are culturally distinctive groups that find themselves engulfed by settler societies born of the forces of empire or conquest."[20]

He further maintains that

> "Within international law and institutions … indigenous peoples are identified, and identify themselves as such, by reference to identities that predate historical encroachments by other groups and the ensuing histories that have wrought, and continuing to bring, oppression against their cultural survival and self-determination as distinct people."[21]

However, the above concept of "indigenous peoples" often considered these people to form a homogeneous group within one country. It does not take into the consideration that there are many indigenous peoples within one country, and sometimes one indigenous group tends to dominate, if not oppress, other indigenous groups. The people forming the dominant indigenous group which controls resources after independence in turn become the rulers and use their "indigenous people" status to discriminate and oppress the weaker indigenous groups as well as the non-indigenous

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

groups. Indigenism has become some sort of political ideology used to achieve a political objective.

Not surprisingly, indigenism is often considered as non-democratic as it gives special rights to one particular group of population at the expense of other groups. With globalization and democratization, this concept has gradually been abandoned. This is reflected in the laws and regulations relating to the ethnic Chinese, which are formulated after globalization and democratization. How true is this argument?

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Citizenship and Indigenism

Malaysia

Let us first look at indigenism in Malaysia. The citizens are divided into *bumiputra* and non-*bumiputra*. *Bumiputra* means "son of the soil." I do not want to get into the argument whether or not the Malays are really the indigenous population. But they see themselves as such. As the indigenous population, the Malay Malaysians feel that they have more rights than the migrants who are also citizens of Malaysia. The state then offers differential treatments towards its own citizens.

In Malaysia, being *bumiputra* has many "privileges." For instance, in the Malaysian constitution, there is a clause on the "special position of the Malays." Malays and other *bumiputra* have special rights to the reserve land. Some positions in the civil services are reserved for the Malays and *bumiputra* only. Based on this indigenous principle, it is not surprising that the Malaysian government passed many laws and regulations, which favored the Malays.

The New Economic Policy or NEP (1971–1990) was meant to enhance the economic status and the educational standards of the Malays. There was a smaller quota for the non-Malays to get into Malaysian universities. Malaysian banks and companies were required to take in a certain number of the Malays failing which they were not allowed to operate. The Government also offers special prices for the Malays to buy houses. Chinese developers who built houses are required to sell houses to the Malays at discount prices.[22] At one time, some Chinese politicians challenged the concept of *bumiputra* but to no avail.

The Malays are extremely concerned about their indigenous status because many of them feel that if they are not protected, they might lose to the non-Malay Malaysians (i.e. Malaysian Chinese). The Chinese agreed to let the Malays have a special position but wanted to have 15 years included in the constitution. However, Tunku Abdul Rahman refused as he would not be able to convince his Malay counterparts to accept this provision. As a result there was a compromise; Tunku verbally promised that the clause would be reviewed later.[23] Heng Pek Koon, a specialist on Malaysian Chinese politics, argued that "the MCA leaders believed they had the assurance of the UMNO leaders that special rights would be reviewed after a period of 15 years following independence, and eventually terminated."[24] If this is the case, it seems that the MCA leaders were naive. Nevertheless, a more probable explanation is that the MCA leaders were weak and they had no choice but to accept the terms dictated by UMNO.

How is the situation now?

The privilege clauses in the constitution have not been amended, but the crisis has made the implementation of policy/regulations more relaxed. The National Development Policy (NDP), which replaced the NEP, no longer emphasizes the *Bumiputra* share in the economy. In the newly established Iskandar New Economic Zone in Johor Baru, for instance, it is reported that indigenism would not be applied to investors in order to make it a success, at least in certain sectors and certain kinds of investment.

There was also relaxation on giving permit to ethnic Chinese in establishing college and universities. For instance, the New Era College (Xin Jiyuan) and Universiti Tunku Abdul Rahman (UTAR) have been permitted to be established. Both are owned and run by ethnic Chinese. More recently (2012) under the Najib Razak government, the Southern College (Nanfang Xueyuan) has also been upgraded into a University College. Also there are establishments of private colleges run by foreigners. The medium of instruction is not Malay but English, although Malay is still a compulsory subject. Many Chinese have attended these colleges.

The entrance requirements to state universities have been slightly amended. Although quotas for the *Bumiputra* are still reserved, Chinese

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

quota has been increased somewhat, and examination results have now been used as the criterion. The liberalization of the indigenous policy was due to the fact that Mahathir Mohamad saw the danger of the Malays being left behind and wanted the Malays to be able to compete with non-Malays in a rapidly changing world; while his successors Abdullah Badawi and Najib Razak have been forced to liberalize by increasingly keen economic competition.

However, it does not mean that indigenism has been abandoned in Malaysia. When the Chinese communities asked for their rights in the form of so-called *Suqiu* (Appeal), the Mahathir government got furious and abused the Chinese of not knowing their place. Mahathir also stated that the Malaysian Malays were not ready to have a non-Malay Prime Minister. The Leader of Pemuda UMNO (UMNO youth wing) stated categorically that the Prime Minister of Malaysia and Leader of Barisan Nasional (National Front) had to come from the Malay organization UMNO.[25] During the Abdullah Badawi administration, apart from the Special Economic Zone, indigenism has been re-stressed. It is interesting to note that the Malaysian constitution has no clause, which indicates that only a Malay can be the Prime Minister, but in practice, the Prime Minister has always come from UMNO, an indigenous Malay political organization.

Indonesia

The 1945 constitution of Indonesia, which was adopted by Sukarno, Suharto and Habibie, is still in use today, but the constitution was amended three times since October 1999 (before the presidential election). The clause that Indonesian president (and vice president) has to be an indigenous Indonesian (*Indonesia asli*) was eventually dropped in November 2001. The clause (III: 6) has been replaced by "natural-born citizen" (*warganegara Indonesia sejak kelahirannya*).[26] Nevertheless, the word indi genous Indonesian is retained relating Citizenship clause (X: 26). It states that "Indonesian citizens are those people who are an indigenous Indonesian race (*bangsa Indonesia asli*) and other races which are legally accepted in accordance with the law."[27]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Before the fall of Suharto, the Indonesian government in practice had been discriminating against the non-indigenous population, particularly towards the Chinese. Certain businesses were closed to Chinese Indonesians, there was a quota for Chinese Indonesians to enter state universities, and there was restriction for Chinese Indonesians to join civil service. After Suharto stepped down, Habibie issued a presidential decision that the division between *pribumi* and non-*pribumi* should be abolished. This marked the beginning of the new phase in the Indonesian national history. But the real change in law took place only in 2006.

The 2006 citizenship law of Indonesia (UU No. 12 Tahun 2006) can be said as a "revolution" as it introduces a new concept that a natural-born Chinese Indonesian is considered an *asli* (indigenous). The other new law (UU No. 23 Tahun 2006) states that the registration based on ethnicity was abolished.[28] These new laws legally abolished "ethnic inequality" but its real implementation remains to be seen.

The change of the view with regard to indigenism in Indonesia might be due to the experience of indigenous Indonesians themselves. In the past, the term non-indigenous people was used to refer to ethnic Chinese; but in recent years, it is used by indigenous Indonesians to refer to the trans-migrants who are not indigenous to the land, for instance, the Madurese in Kalimantan, the Javanese in Sumatra, the Javanese in Papua, and the Buginese in Maluku. More serious conflict now is between indigenous ethnic groups than between ethnic Chinese and non-Chinese.

The law and regulation on Chinese religious practices have also been changed. The Law No. 14/1967 prohibited Chinese religious practices and cultural performances from being carried out in public. This law was repealed in January 2000 by President Abdurrahman Wahid (alias Gus Dur). Chinese Indonesians are now allowed to perform their dragon dances and other cultural activities, including celebrating Lunar New Year, also known as "Chinese New Year." Furthermore on 9 April 2002 President Megawati declared the "Lunar New Year" as a National Holiday.[29] The status of Confucianism as an *Agama* (Religion) was restored by President Abdurrahman Wahid on 28 January 2001, but the withdrawal of the Home Affairs Minister Circular 1978, which only recognized five religions in Indonesia, was done on 31 March 2002 during the Megawati Presidency.[30]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Nevertheless, the implementation of these decisions was slow. The acceptance of Confucianism as a religion in the Identity Card only started in 2006 during the Susilo Bambang Yudhoyono presidency.

Thailand, The Philippines and Myanmar

It appears that there is no concept of indigenism in Thailand, but in reality, such concept exists, for instance, some occupations have been reserved for "Thai" (including military) and Chinese have had restrictions on education, use of names, etc. Nevertheless, Thailand adopted *jus soli* as the principle of Thai citizenship between 1913 and 1952, which means that anybody who was born in Thailand is a Thai citizen. But after 1952 it stipulated that only the child with at least one Thai parent would acquire Thai citizenship. A child born out of foreign parents remains alien. If she/he wants to become a Thai, he/she has to be naturalized.

However, there has been a differentiation between a natural-born citizen and a naturalized citizen. To contest an election, one has to be a natural-born Thai. The national status of Banharn Silpa Archa, the former Thai Prime Minister, was questioned. He was said to have been born in Mainland China rather than Thailand. However, he was able to prove that he was born in Thailand otherwise he would have been disqualified as a candidate in an election.

The 1997 Thai constitution still required members of House of Representatives and Senators to be a natural-born Thai. This means that a naturalized Thai is disqualified to contest.

The Philippines is also similar to Thailand. To contest in the election one has to be a natural-born Filipino. The Philippine constitution of 1987 defined natural-born citizens as "those who are citizens of the Philippines from birth, without having to perform any act to acquire or perfect their Philippine citizenship."[31] Alfredo Lim, the former Manila Mayor, who contested in the presidential election, was questioned because of his "ambiguous" national (citizenship) status. Some of his opponents argued that he was born in China and hence not a natural-born citizen of the Philippines. His opponents wanted to bar him but he was able to prove that he was born in the Philippines as a Chinese *mestizo*.[32] He continued to contest the presidential election but was defeated.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The situation in Myanmar is more complicated. According to the 1982 Citizenship Act, the inhabitants of Burma are divided into three *classes* of citizenship: Burma citizens, associate citizens and naturalized citizens. Each has different rights. Only the natural-born citizens are full citizens. One critic maintains that this citizenship act is exclusionary towards the Rohingya as "a significant proportion of the Rohingya, both refugees and residents of Arakan state are in fact, stateless persons, deprived of any rights whatsoever."[33]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Concluding Remarks

The concept of citizenship connotes notion of equality but in some Southeast Asian countries, it is not the case. Indigenism has been used to divide citizens into indigenous and non-indigenous citizens with different rights. However, with globalization and democratization, especially after the economic crisis at the end of the 20th century, some countries have had to readjust their principle of indigenism. With regard to the concept of citizenship and citizen's rights, Indonesia has begun to move away from indigenism to the "natural-born" concept. For instance, the Constitution no longer requires the president to be an indigenous Indonesian but "an Indonesian citizen since birth" (i.e. a natural-born). In the recent "Citizenship Law," it also equates "national-born citizens" as "indigenous Indonesian." Nevertheless, many discriminatory laws and regulations against "non-indigenous population" (i.e. ethnic Chinese) issued in the past continue to be enforced and have not been repealed.

With regard to Malaysia, the concept of indigenism is still strong, and laws and regulations have not been changed much. However, the implementation has been much relaxed, due to the pressure of globalization and democratization.

With globalization and democratization, it is expected that in Southeast Asia there will be a gradual move from the concept of indigenism to that of natural-born (i.e. local-born, second generation) when defining the citizenship rights. But the process is long and differs from country to country.

In order to closely examine indigenism and citizenship, the following chapter will look at concrete citizenship laws in Southeast Asian countries with special reference to recent developments.

Endnotes

1. Many countries called their citizenship law "Nationality Law," for instance, "British Nationality Law." *See* Juss, (1993, pp. 48–58).
2. Bacal (1997, p. 281).
3. *Ibid.*, p. 282.
4. In the Oxford Dictionaries Online, "nationality" is defined as "the status of belonging to a particular nation," while "nation" is defined as "a large body of people united by common descent, history, culture, or language, inhabiting a particular state or territory."
5. Oliver and Heater (1994, p. 3).
6. *Ibid.*, pp. 24–25.
7. Goldstein (1996, p. 11). For various definitions of the state, *see also* Heywood (1997, p. 84).
8. McLean (1996, p. 474).
9. "The rise and fall of Alberto Fujimori: Biography of the President of Peru 1990–2000," *see* <http://www.ex.ac.uk/~Rdavies/inca/fujimori.html> (accessed on 8 February 2004).
10. "Fujimori is a Japanese citizen: Tokyo," *Straits Times*, 12 December 2000.
11. Johnston (2003).
12. "Teungku Malik Mahmud, Perdana Mentri GAM," *Tempo*, 15 June 2003, p. 29.
13. "Sesudah mengambil kewarganegaraan Belanda, bagaimana perasaan, hati Anda, apakah masih merasa orang Indonesia? Kujawab tenang saja: PERASAAN CINTA PADA TANAH AIR DAN BANGSA INDONESIA, tak pernah padam, bukan saja tetap menyala, tatapi, bahkan semakin mendalam dan mendasar." *See* "Ibrahim Isa dari Bijlmer, 27 September 2005, Setiap kali berkunjung ke Indonesia kesan utama-ku selalu posifi (1)," taken from HKSIS website.
14. For a discussion on these BOC and BNO, *see* Suryadinata (2002), especially pp. 176–177.
15. Perekh (1991, pp. 183–204).
16. "Nationality" is often used interchangably with citizenship. But some writers use it to mean "National identity." *See* Hobsbawm (1997, p. 8). I used the term in Hobsbawm's sense.
17. One author pointed out that "The most important difference between these two definitions is that the liberal definition constructs the citizens as an individual member of a state, while Marshall's definition constructs the citizen as a member of a community." *See* Yuval-Davis (1997, p. 69).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

18. Weissbrodt (1984, p. 137).
19. Marshall (1950, p. 28).
20. Anaya (2004, p. 3).
21. *Ibid.*, p. 5.
22. Developers offer between 5% and 10% discount for bumiputra buyers. *See* for instance, the Mont' Kiara Damai Condominium in Kuala Lumpur which advertises "Bumiputra Discount: 5%."
23. Heng (1988, p. 236).
24. *Ibid.*
25. "Fei Malairen danren souxiang, wu qingtuan 'jiebu tuoxie'," *Lianhe Zaobao*, 20 June 2000.
26. "Undang-Undang Dasar Negara republik Indonesia Tahun 1945 dan Perubahannya dalam Satu Naskah," *Kompas*, 12 August 2002, p. II.
27. *Ibid.*, p. VI.
28. However, a young lawyer in Jakarta, Ivan Wibowo, stated that the No. 23 2006 Law has a number of ambiguities: the law on the ethnic Chinese which was revoked was not the registration regulation, but regulations which relate to business and adoption. This in his view, may result in different interpretations. Wibowo (2007).
29. *See* "Keputusan Presiden Republik Indonesia Nomor 19 Tahun 2002 tentang Hari Tahun Baru Imlek."
30. Thanks to Dr. Chandra Setiawan for giving me this information.
31. Baguioro (1998).
32. *Ibid.*
33. "Citizenship in Burma," *Burma Issues Newsletter*, March 1995, <http://www.burmalibrary.org/reg.burma/archives/199503/msg00090.html> (accessed on 8 January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 4

Ethnicity, Indigenism and Southeast Asia's Citizenship Laws

Although there are still arguments about the concept of citizenship as to whether it is endowed by a community or by a state, this chapter has adopted a stand that citizenship is linked to the state. Therefore it is offered by the state to the people who live under its authorities. The citizenship law is therefore a law, which stipulates the status of the population, the rights that the citizens enjoyed, and obligations that the citizens have to the state.

The principle of citizenship law is often divided into two types: *jus sanguinis* (by blood or descent) and *jus soli* (by birthplace). Many in fact are a combination of both. However, in Southeast Asia, the *jus sanguinis* principle is more popular than *jus soli*. As explained earlier, indigenism plays an important role in citizenship, and the "indigenous" population is automatically having the citizenship of the country concerned. Non-indigenous people (such as the Chinese, Indians) are governed by different rules and became more complicated in terms of their "national" status.

It should be noted that the term "indigenous status" refers to the local population who have a "homeland" within the territories of the country concerned. A descendant of a foreign migrant, for instance a Chinese or Indian, no matter how many generations he/she was in the state concerned, will still be considered as "non-indigenous" person, unless a specific law was issued with reference to that particular ethnic group or individual.

Due to the existence of a motherland/fatherland of "non-homeland minority," the problem of citizenship is rather complex. Some countries

such as China and India might also claim "overseas Chinese" and "overseas Indians" as their "nationals," and hence producing "dual nationality" status for the persons concerned. (For the discussion, see later chapters.) However, even among "indigenous populations," there might be the "double nationality" problem, for instance, the Malays in Southeast Thailand and Southern Philippines. This issue will be addressed later in this chapter.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Implications of Indigenism in Citizenship Laws in Southeast Asia

As stated in the previous chapter, indigenism in citizenship divides the population into two groups: one with the indigenous status, which holds more rights and the other which does not hold that status. Therefore, this citizenship concept creates first-class and second-class citizens.

Nevertheless, it has another implication: a new migrant who belongs to the same ethnic group/racial group might also be considered as having an indigenous status, generating confusion, if not discontent among citizens who consist of various ethnic groups. The emergence of this problem is linked to the history of Southeast Asia.

As mentioned previously, Southeast Asia comprises new "state-nations" rather than "nation-states," they were the products of Western colonialism. Their boundaries are in fact political boundaries drawn by their former colonial masters, even Thailand's boundaries were affected by colonialism. Only in 1909, did Siam cede its southern "territories" to the British, which became part of today's Malaysia. Because of these colonial legacies, newly independent states, which were based on the colonial boundaries, were not based on ethnic or religious boundaries. The historical legacies often affect the present-day Southeast Asian state relations and also citizenship issues. For instance, the Malays in the Sumatra and Riau archipelagos in Indonesia were often considered as identical with the Malays in Malaysia. New migrants were immediately regarded as part of the local Malay communities and hence "citizens" of Malaya/Malaysia. Indonesian Arabs from Indonesia also gained Malaysian citizenship easily, since they were religiously and culturally closer to the Malays.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Worth noting here is that the Malaysian Malays in the northern states have close links to southern Thailand, because in the past, they were part of the Malay kingdoms. They crossed artificial borders freely, which later became a political problem, especially after the rise of terrorist activities in Southern Thailand. Many Muslim Thais, including those who were suspected to have instigated terrorist acts, moved to Malaysia. Bangkok accused the Malaysian government of harboring terrorists in Malaysia, and in the peaceful days, crossing the common border by Thai Malays and Malaysian Malays was not a problem.

The situation in Southern Thailand was chaotic, affecting Bangkok–Kuala Lumpur relations. Thailand would like to solve this dual citizenship problem. The former Prime Minister Thaksin Shinawatra of Thailand suggested to the Malaysian PM to meet and resolve this issue once and for all. But the matter was not that easy to resolve due to this political legacy. In the past, Bangkok and Kuala Lumpur had numerous discussions on the "dual nationality" issue but failed to reach agreements. However, Bangkok was concerned with the 131 Thai Muslims who fled to Malaysia.[1] It was reported that the Deputy PM of Malaysia, Najib Razak, stated that he already allowed the Thai authorities "to interview these people to ascertain whether there were militants among them." Both sides agreed to resolve the problem of dual citizenship as this would affect the cordial relationship between these two neighbours.

When looking at the citizenship law, the first question to be asked is: who are citizens of Southeast Asian countries. All states, but Singapore, stipulate that all "indigenous people" are automatically citizens of the country, unless they hold other citizenships. The principle of indigenism in a citizenship law provided an "automatic" citizenship to the indigenous people, which is a privilage not enjoyed by the non-indigenous population.[2]

The Citizenship law in Southeast Asia follows mainly the patriarchal principle. The father's citizenship is usually, if not always, the citizenship of the children. This gender bias has been raised in recent years, and some countries, for instance Singapore and Indonesia, have begun to address this gender issue in the citizenship law.

Jus soli or birthplace is often used as the principle of modern citizenship, regardless of the parents' citizenship. A son and a daughter who was born in the US, for instance, will acquire US citizenship. However, this

principle began to be tempered after the 911 incident. US citizenship is no longer automatic upon birth in the US territories. However, in Southeast Asian countries, citizenship laws differ from country to country, and even in the same country, it also differs from period to period. In Thailand, for instance, a Chinese who was born in Thailand before 1913 was automatically a Thai citizen. But later it was only restricted to one of the parents who is a Thai citizen. Indonesia stipulated that children of foreigners are foreigners, regardless of their birthplace. However, in the new law which is still under consideration, Indonesian citizenship will be bestowed to children who were born of foreign parents in Indonesia provided that one of them has lived in Indonesia for five years.

Let us examine the citizenship laws of some Southeast Asian countries in order to obtain a clearer picture.

Citizenship Laws in Indonesia

The first Indonesian citizenship Act was issued in 1946 which stipulated that all "indigenous people (*orang asli*) living in the Indonesian territory and persons who do not belong to the above-mentioned group, but were born in the Indonesian territory, and have resided there for the last five years continuously, and they are 21 years of age or married, provided that they do not reject Indonesian citizenship for reason of being a citizen of a foreign country."[3] Peranakans or Indies-born Chinese were regarded as citizens of this new republic. The Dutch Indies-born Chinese could only become alien if they reject Indonesian citizenship. It was reported that about 390,000 Indies-born Chinese repudiated Indonesian citizenship.

This *jus soli* and "passive" system continued to be applied after the transfer of power from the Dutch to the indigenous population. This is due to the fact that the new authorities needed to gain maximum support from the resident population in its struggle against the Dutch. However, after the new authorities consolidated their power, a new citizenship law was issued, using *jus sanguinis*, or "second generation *jus soli*" rather than simple *jus soli* as the principle of its citizenship. It wanted to build a "homogeneous Indonesian nation."[4] In 1954, a Draft Citizenship Act was produced but only four years later, the Act was eventually passed by the Indonesian parliament in 1958.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The 1958 Citizenship Act and Indigenes

The 1958 Citizenship Act stated that those who were already citizens according to the Indonesian existing laws, regulations and treaties would remain citizens. The most important Sections of the Act were 4 and 5, concerning the naturalization of aliens. According to Section 4, Indonesia-born aliens whose parents resided and were born in Indonesia were allowed to apply for Indonesian citizenship when they reached 18 years of age.[5] The procedure for children in this category to become citizens was straightforward. However, when a person was over 18 years of age, or if his or her parents were not born in Indonesia, the person had to apply for naturalization under Section 5. This required the person to fulfil the residence requirement (at least 5 years if not interrupted and 10 years if interrupted) and the language requirement (including a knowledge of Indonesian history), to have a permanent source of income and to pay the state 500–1,000 rupiahs and an amount not higher than his actual monthly income.

In the 1958 Citizenship Act, there was no mention on the different rights between "indigenes" and "non-indigenes" (read: Chinese as the Arabs were often considered as "indigenes" during the Suharto era), as they were reflected in the other documents or practices. For instance, there was a quota for "non-indigenous students" entering state universities, certain businesses were restricted to indigenes and certain ministries were not open to non-indigenes, etc. In the un-amended Indonesian 1945 Constitution, there was a clause that the president of the Republic of Indonesia should be "indigenes" (*Indonesia asli*).

It should also be noted that there was a dual nationality treaty signed between Indonesia and the PRC in 1960 in which both countries only recognize single citizenship status. Therefore Indonesian Chinese were required to repudiate the PRC citizenship within two years, and their children who were below 18 years of age were allowed to exercise their rights when they reached 18 years of age. However, when Suharto came to power, this treaty was implemented and all non-Indonesian citizens had to undergo the process of naturalization if he/she wants to become an Indonesian citizen. The decision was due to deteriorating relations between Jakarta and Beijing over the 1965 Coup and Jakarta's suspicion of Beijing.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The 2006 Citizenship Law

However, after the fall of Suharto and the beginning of *reformasi*, the 1945 Constitution encountered many amendments. Although the division of "indigenes" and "non-indigenes" categories remains, the clause on the requirements for becoming the Indonesian president was amended. It is no longer required that an Indonesian president be an indigenous Indonesian, a natural-born Indonesian citizen is sufficient. This means that in theory even a Chinese Indonesian who was born in Indonesia can be a president of the Republic.

On 11 July 2006, the Indonesian parliament amended the 1958 citizenship law. The law was hailed to be a victory for democracy as it abandoned the male-centred and indigenes and non-indigenes dichotomy. The principle of *jus sanguinis* has been partially abandoned and the *jus soli* principle has been applied. In other words, children of foreigners who lived in Indonesia will be eligible to apply for Indonesian citizenship. Foreigners who marry Indonesian women can also apply for Indonesian citizenship. Furthermore, the explanatory notes to the citizenship law stated that a natural-born Indonesian is also an indigenous Indonesian (*asli*).[6]

Citizenship Law in Malaysia

Malaysia only emerged on 16 September 1963. Prior to the date, it was known as "British Malaya and British Borneo (Sabah and Sarawak)." The core of Malaysia, in fact, was British Malaya which comprised the Straits Settlements (formed in 1826, also known as Crown Colonies, including Singapore, Melaka and Penang), Federated Malay States and Unfederated Malay States.

Prior to independence, the local-born population of the Straits Settlements were considered as British subjects, while the population of the federated and unfederated Malay states were subjects of their respective Malay rulers. Therefore Straits-born Chinese became to be known as British subjects. However, after World War II, the British intended to grant independence to British Malaya through the establishment of the Malayan Union (1946), which included Melaka and Penang, the federated and unfederated Malay states. Singapore which is a state with an ethnic Chinese majority, was excluded from the Union. This Union would

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

deprive the Malay Sultans of their power and have a common Malayan citizenship for all races. The Chinese were lukewarm towards the concept of the Union while the Malays rejected the concept. The United Malays National Organization (UMNO) was formed in order to oppose this concept, forcing the British authorities to abandon the project. Apparently, the Malays considered British Malaya as Tanah Melayu (or Malay Land), and common/equal Malayan citizenship for all races was unacceptable. The British, attempting to save the project, quickly established the Anglo-Malay Committee, proposing a new proposal, known as the Federation of Malaya, retaining Malay rulers and recognized Malaya as the land of the Malays. The position of the Malays was recognized as "sons of the soil" (*bumiputra*), having a special position (read: special rights). This was reflected in the 1957 Citizenship Law of the Federation of Malaya. It is relevant to note here that in the Malayan/Malaysian constitution, a Malay is defined in terms of a person who habitually speaks the Malay language, professes the Muslim faith, and conforms to the Malay custom.

However, in 1962, the Malayan Prime Minister Tunku Abdul Rahman, with the full support of the British, proposed the Malaysia project. Malaysia would include Singapore and three north Borneo states (Brunei, Sabah and Sarawak). When it was established on 16 September 1963, Malaysia only consisted of Malaya, Singapore, Sabah and Sarawak. Brunei refused to join. The citizenship law of Malaysia was a very complex document, as it was divided into Federal citizenship and state citizenship. In the words of Huang Ying Jung, a law scholar at Nanyang University,

> "with the establishment of Malaysia, double citizenship is provided: the Federal citizenship, as distinct from State citizenship, particularly that of Singapore. The rights and obligation of Federal citizenship and State citizenship vary. Many of the rights and obligations of a citizen in a State depend more on State citizenship, or the status of a subject of a ruler as in the case of the states of Malaya, such as the freedom of movement, the right to vote, the opportunity to hold public office, the right to scholarship etc."[7]

He further maintained,

> "A citizen of Malaysia or a citizen of Singapore cannot enter the Borneo States without the consent of the latter.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

> A Singaporean citizen is not qualified to be elected member of either House of Parliament, except as a member for or from Singapore. So is a citizen, who is not a Singapore citizen, not qualified to be a member of either House for or from Singapore."[8]

Most interesting is the special position of indigenes (particularly the Malays) reflected in the new constitution and the citizenship law. Prof Huang argued, "All the states of Malaya provide that the Mentri Besar, or Chief Secretary, must be a Malay. Not all citizens are entitled to scholarship. Many of the States of Malaya limit the right to Malay only."

Further, there was a special position of Malays in Malaya, Natives of Borneo states and Malays in Singapore. With regard to the special position of the Malays in Malaya, and natives of Borneo states, there are quotas for some positions in public service, quotas for permits or licenses for the operation of any trade or business, and reservations of Malay and Native land.[9] In Singapore, Malay privileges, in some aspects, are also honored. (This will be discussed in the section on Citizenship Law in Singapore.)

However, Singapore left Malaysia in August 1965 as a result of unresolved struggle between Malay Malaysia and a multi-ethnic Malaysia. With the departure of Singapore, Malaysia became smaller and the proportion of the Malays became larger. The Malays became the dominant group not only politically but also in numbers. Basically the position of the Malays in post-1965 Malaysia remains unchanged.

Citizenship Law in Singapore

Singapore became an independent country on 9 August 1965 after unresolved conflict with Malaysia on the concept of "Malay Malaysia" or "Multi-ethnic Malaysia." Nevertheless, to understand the citizenship law of Singapore, one should trace its development prior to independence.

As stated earlier, Singapore was part of the Straits Settlements (1826) but when the British decided to grant independence to Malaya under the Malayan Union proposal, Singapore was excluded. That was in 1946. When the Federation of Malaya was proposed, Singapore remained outside the new Federation. Nevertheless, the British also prepared the colony for self-government. As a large number of Singapore Chinese were

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

foreign-born and therefore were not qualified for British citizenship, many Singapore Chinese leaders wanted to have Singapore citizenship in order to include these Chinese. Not surprisingly, in 1957, the Singapore Citizenship Ordinance was announced.

Accordingly, this Ordinance, which uses the *jus soli* principle, stipulates that every person born in Singapore was a Singapore citizen and those born outside Singapore could also obtain Singapore citizenship through naturalization. Nevertheless, after Singapore joined Malaysia, the Citizenship Law of Singapore was changed to more *jus sanguinis* rather than *jus soli*. Under this new 1963 constitution, "every person born in Singapore after 16 September 1963 is a Singapore citizen, if at the time of his birth one of his parents was a Singapore citizen or a permanent resident in Malaysia." A person born outside Malaysia was a Singapore citizen by descent, if at the time of his birth, his father was a citizen of Singapore provided that his birth was registered with a relevant authority.

The Singapore citizenship during the Malaysian period (1963–1965) co-existed with the Malaysian citizenship. This arrangement is revealing, as Singapore citizenship was different from the Malaysian citizenship (see the section on Malaysia), reinforcing the Singapore identity rather than "Malaysian" identity. Nevertheless, Singapore was influenced by the concept of indigenism. While in the Malaysian constitution, the Malays have a special position enjoying many privileges, in the Singapore constitution between 1963 and 1965, there were also clauses which reflected Malay privileges, but the privileges were not extensive. There were no quotas for positions in the civil service and no Malay reservations of land. Nevertheless, there are two clauses in Article 89 of the Constitution of Singapore providing a special position for the Malays:[10]

(1) It shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in Singapore.
(2) The Government shall exercise its functions in such manner as to recognize the special position of the Malays, **who are the indigenous people of Singapore**, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

After Singapore left Malaysia and formed a separate state, this legacy remains. In the present constitution of the Republic of Singapore, there is a section on "Minorities and special position of Malays, 152" in which the above two clauses are kept.[11]

In August 2009, a nominated MP Viswa Sadasivan tabled a motion for the parliament to reaffirm its commitment to principles in the National Pledge when debating national policies: equal treatment for all races. Then MM Lee Kuan Yew who had rarely participated in the parliamentary debate spoke out, arguing that "all races in Singapore have equal rights" is an "inspiration," rather than a reality. He defended the Singapore constitution that the Malays have a "special position" and this should not be changed.[12] He maintained that the Malays are the "indigenous people" of Singapore and the Singapore government still has the responsibility to "protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests."[13] He went on to say that it is "dangerous to let highfalutin ideas go un-demolished." The fact is that races are not yet equal and minority races have to be protected. "The way that Singapore has made progress is by a realistic step-by-step approach. It may take us centuries before we get a similar position as the Americans."[14] Apparently, the top leadership in Singapore felt that the minority issue, especially the Malay issue, is still sensitive and should be handled with care in order to achieve political stability when ethnic and religious issues have re-emerged again in both the region and beyond.

Citizenship Law in Thailand, The Philippines and Vietnam

Thailand has never been colonized, nevertheless, its modern citizenship was only born in the 20th century.[15] This was a response to the rise of overseas Chinese nationalism following the Sun Yat-sen revolutionary activities after the 1911 revolution. King Wachirawut (Rama VI) introduced "official Thai nationalism" in order to cope with the rise of Chinese nationalism. In 1912, he issued the Naturalization Act, offering the new migrants to be naturalized to Thai; in 1913, he issued the first Thai citizenship law which stipulated that local-born Chinese in Thailand, regardless

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

of the citizenship of his/her parents, were Thai citizens. In the same year, he also introduced the Thai last surnames for all Chinese Thai.

The Thai authorities wanted to make Chinese Thai more Thai by introducing the primary school act and the control of private schools in the early 1920s. The number of hours for learning Chinese in school was reduced and instruction was to be in Thai. A printing house which advocated Chinese nationalism was closed down, showing the Chinese Thais that the kingdom could not tolerate Chinese nationalism.

The tussle between Thai nationalism and Chinese nationalism was off and on, and became an issue again after 1932, especially when Phibulsongkhram was in power. The 1913 Nationality Law was amended, and the *jus soli* principle abandoned. Naturalization became the only way for new migrants to become Thai nationals. The naturalization of the Chinese to be Thais also became more difficult: Apart from the regulations that the person concerned should be able to read and write Thai, it was stipulated that he should also "work with the government or have performed something good for the government," and "the person must declare his properties, especially real estate; [and] the person cannot be a worker."[16] It is also interesting to note that PM Phibulsongkhram introduced new policies to restrict the number of Chinese new migrants; their numbers were drastically reduced from 10,000 to 200 persons per year.[17] The number of Chinese to be naturalized to Thais also decreased. Between 1942 and 1944, for instance, only 167 Chinese received Thai citizenship through naturalization.

Phibulsongkhram also issued a regulation stipulating that only Thai nationals were allowed to run state trading companies. Most significant in assimilating the Chinese into Thai were Phibul's four restrictive measures: namely the closure of Chinese schools, closure of all Chinese newspapers but one, a ban on Chinese secret societies and control over Chinese remittances.[18]

Nevertheless, after World War II, in the 1950s, Thai anti-Chinese policy resumed shortly but was quickly abandoned. The citizenship policy was also relaxed. The more significant change, however, took place after the end of the Cold War when relations between the PRC and Thailand improved.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Table 4.1. Manner of acquiring of citizenship in some Southeast Asian countries

Country	Birth	Descent	Registration	Naturalization	Single Nationality
Brunei Darussalam		X		X	X
Cambodia		X		X	X
Indonesia	X*	X		X	X
Laos		X		X	X
Malaysia	X*	X	X*	X	X
Myanmar		X		X	X
Philippines		X		X	X**
Singapore	X*	X	X*	X	X
Thailand	X*	X		X	X
Vietnam	X*	X		X	X

*Initially there was such a clause, but it was later abolished.

**Some Americans of Filipino origin are allowed to apply for dual citizenship under the Republic Act no. 9225 introduced in 2003.

Source: Arturo G. Pacho (1980); "Citizenship of the World" (2000/2001); and the Appendixes B–K of this book.

Table 4.1 shows a comparison of the manner in acquiring citizenship in ten Southeast Asian countries.

It is clear that for non-indigenous populations which do not have local citizenship, the only way to obtain it is to be naturalized; at least according to the existing laws. The requirements for naturalization differs from country to country, but many have commonalities, especially in terms of requirements regarding regular income, good command of the national language or locally used language, and acceptance of the state ideology, although the latter was never clearly stated. In fact, the economic requirement is becoming increasingly important; wealth or special skills is often becoming an important criterion for acquiring citizenship.

It is public knowledge that wealth has been a major criterion for foreigners to acquire local citizenship. Rich businessmen are welcome in many Southeast Asian countries. When they invest a certain amount of money in the country, they would be able to get PR status and later citizenship. Skilled personnel are also welcome, as well as sportsmen and sportswomen who are given local citizenship in order to represent Southeast

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Asian countries. In modern times, it is argued that citizenship has been "commodified," as if it is a commodity, which no longer has a strong connotation of community identity.

Nevertheless, when we look at the citizenship laws of Southeast Asian countries for naturalization, the requirements are many and they still have the components of nation-building (Table 4.2). Apart from "good moral" character, the language requirement, both local and foreign, is imposed. However, as to the level of the language proficiency, it depends on the country and also the department which conducted the examination. There is no guarantee that the naturalized person is truly proficient in the local language.

Many citizenship laws in Southeast Asia suffer from gender bias. These laws gave more weightage to male rather than to female. This is due to the fact that many Southeast Asian societies are patriarchal. The wife's citizenship often follows the husband's (male's) citizenship, and it is therefore

Table 4.2. Requirements for becoming citizens in the Southeast Asian states

Country	Age	Good moral character	Language	Residence (No. of years)	Job, trade, business/ property
Brunei Darussalam		X	Excellent command of Malay	5	X
Cambodia		X	Khmer	?	X
Indonesia	18	X	Impeccable command of Indonesian language	5 or 10	X
Laos		X	Laotian	?	X
Malaysia	21	X	Speak and write Malay	10	X
Myanmar	18	X	Speak well one of the national languages	?	X
Philippines	21	X	Speak and write English or Spanish and any Philippine dialect	10 or 5	X
Singapore	21	X	Speak and write one of the official languages	4	X
Thailand	20	X	Speak and understand spoken Thai	5	X
Vietnam	18	X	Speak Vietnamese	5	X

Source: Arturo G. Pacho (1980)[19]; "Citizenship of the World" (2000/2001), and other sources in the Appendixes of this book.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

easier to change to the husband's citizenship rather than the other way round. This imbalance is now being addressed in several countries such as Singapore and Indonesia in the amendments to their citizenship laws.

Concluding Remarks

Indigenism has been imbedded in many citizenship laws of Southeast Asian states. However, the laws in Southeast Asia have undergone changes in the era of globalization. Some changes are more significant than others, and the most drastic change was perhaps found in the post-Suharto Indonesian citizenship law. It liberalized the law to the extent that it was never seen prior to the modern Indonesian history. Indigenism was largely abandoned. Singapore, an immigrant state, has also adjusted its citizenship law to give rights to Singaporean women who married foreigners. In general, Southeast Asian citizenship laws, which were perceived to have been detrimental to the ethnic Chinese population, have been redressed, and the degree differs from country to country. Nevertheless, the implementation of these amended laws remains to be seen.

Endnotes

1. "Yes to dual citizenship talks with Bangkok: KL," *Straits Times*, 1 October 2005. John Funston argues that the dual nationality issue was very much a Thaksin initiative, not one that was strongly supported in Thailand. Funston also argues that Thailand seems to allow dual nationality while Malaysia does not — except it turns a blind eye to Malays in southern Thailand. *See* Funston (2010).
2. One Chinese Indonesian jokingly told his indigenous Indonesian friend that he is a real citizen of the Republic of Indonesia because he has a citizenship document to prove it, while his indigenous friend does not have anything to prove that he is also an Indonesian citizen.
3. Gouw (1960, p. 121).
4. Hatta (1972, p. 499).
5. Suryadinata (2005, p. 105).
6. Article 2 of the new law has the following explanation: "*Bangsa Indonesia asli* refers to Indonesians who are Indonesian citizens since their birth and have never accepted a foreign citizenship out of their own will." Cited in Lembong (2006, p. 25).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

7. Huang (1970, p. 1).
8. *Ibid.*
9. For a detailed treatment of the Malay and native privileges, *see ibid.*, pp. 39–46.
10. *Ibid.*, p. 37.
11. "Constitution of the Republic of Singapore, Part XIII, General Provisions." Available in the Singapore government websites. *See also* the Appendixes of this book.
12. Oon (2009).
13. *Ibid.*
14. "Dangerous to let highfalutin ideas go undemolished: MM," *Straits Times*, 20 August 2009.
15. This section uses Supang Chantawanich's paper rather heavily. *See* Chantawanich (1997, pp. 232–259).
16. *Ibid.* (especially p. 244).
17. *Ibid.*, p. 241.
18. *Ibid.*
19. Please note that some information in the article is incorrect.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 5

Ethnic Chinese and the Formation of Southeast Asian Nations*

The ethnic Chinese in the indigenous social nations generally do not have the same rights as the indigenous minorities (also known as "homeland minorities"). While indigenous minorities are often subject to similar pressure but not so extreme, the ethnic Chinese were required to be acculturated, if not assimilated, into the indigenous-based national culture.

The only country in Southeast Asia where the ethnic Chinese do not have to be integrated into the indigenous-based culture is in the "migrant state" of Singapore. In fact Singapore's ideal of "nation-to-be" is based on cultural pluralism and on value-integration rather than ethnic-integration. Although Malay is still the "national language," yet English, the colonial language, has been used as the working administrative/language of different ethnic groups in the country. In view of the size and very short history of the country, there is still a very long way for Singapore to go to attain nationhood.

It should be pointed out that the concept of nation has always been articulated by the power elite and accepted by the state. When we talk of "nation" in Southeast Asia, we are actually referring to the state-defined nation rather than the popular notions of a nation.

National integration here, therefore, refers to the endeavour of the state in creating the state-defined nation. Generally, the ethnic Chinese are more easily integrated into a "social-nation" (multi-ethnic nation) rather than an "ethno-nation." However, some ethno-nations do not come into

*Part of this chapter derives from my article: "Minorities in Southeast Asian Nation-States: Ethnic Chinese as Part of the Equation," in *CHC Bulletin*, Issue 10 (November 2007), pp. 1–7.

direct conflict with the ethnic Chinese identity. In Thailand for instance, the ethnic Chinese who are Buddhists and born and brought up there have easily been integrated into Thai society. The Thai Buddhist culture is closer to Chinese culture than the Malay Islamic culture. Therefore it is easier for the Chinese to assume Thai identity. However, although the Vietnamese culture is also close to that of the Chinese, the identification of the ethnic Chinese with the Viets has been a problem, particularly since the Cold War. Therefore apart from cultural proximity, external factors such as the China factor in Vietnam, for example, is an important intervening variable for Chinese identification with an adopted-nation in Southeast Asia.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Ethnic Chinese and Nation-Building Policies

Once we have succeeded in identifying the concept of nation in each Southeast Asian state, it should be easy for us to comprehend the nation-building policy of each country. As reflected in the names of the country, Vietnam, Myanmar, Thailand, Malaysia and Brunei Darussalam are "ethno-nations" while Indonesia, the Philippines, and Singapore are "social nations." The former group uses a dominant ethnic group in the country as the name of the state, while the latter group uses non-ethnic names. This is important as it reflects the concept of nation of intent. In theory, each state would adopt a policy which would enable it to achieve its goals. In practice, this was not always the case. There are at least three other independent variables, which can affect a government's nation-building policy: the nature of the political system (democratic or authoritarian), and the size and strength of the ethnic minorities (including the ethnic Chinese minority). Policies towards minorities can be divided into those towards indigenous minorities (a minority with a homeland within the country, e.g. the Batak of Indonesia), and those towards "alien" minorities (i.e. minorities without a homeland within the country, e.g. the ethnic Chinese in Indonesia).

Indonesia

The Indonesian government has used the national ideology (Pancasila), national education and national institutions to build an Indonesian nation with limited success. Both Javanese and non-Javanese Indonesians are

being integrated through the national education system. The state is made secular[1] so that non-Muslim minority groups feel comfortable living in Indonesia. For the ethnic groups which reject a union with the Republic (e.g. Molucans (Maluku) and Acehnese), force has been used to make them comply. Nevertheless, a high degree of cultural freedom has been enjoyed by the indigenous minority groups.

Towards the Chinese, however, the policy of absorption was introduced. Both name-changing and national education were "forced" upon the ethnic Chinese. Nevertheless, the indigenous minorities were also subjected to national education, but classes in primary 1 to primary 3 were permitted to be conducted in the minority language, a right denied to the Chinese. Religious freedom has been allowed because of the Pancasila ideology, which guarantees such freedom. But Confucianism (*agama Khonghucu*) was de-recognized during the Suharto era after 1978. Again after the fall of Suharto, Chinese religions have been permitted to be practised. Under the Suharto's 32 years assimilationist policy, ethnic Chinese were more "Indonesianized" than ever, at least linguistically, if not culturally. However, they have not been absorbed.

Despite high degrees of cultural assimilation, the Suharto government still differentiated Chinese Indonesians from indigenous Indonesians. Only after the fall of Suharto was this division abolished, at least on paper. The *reformasi* period is a new era for Chinese Indonesians as they enjoy more freedom in both their political and cultural pursuits. A trilingual school is allowed to be established by the Chinese Indonesian community and Chinese is being taught in the school; Chinese religions have also been allowed to be practised and Confucianism has been recognized again. In theory, they are no longer required to be assimilated into the indigenous group as the new Indonesian government has adopted multiculturalism. Nevertheless, social pressure is still present.

Thailand

Thailand's policy has been based on cultural assimilation. Name changing, education and citizenship have been introduced to achieve the objective. In the 1950s, the Thai military government intended to assimilate Thai Muslims but gradually the policy was relaxed, if not abandoned.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Islam is tolerated but the Muslims are encouraged to learn the Thai language and Thai culture. Muslim Thais (or Thai-speaking Muslims) are recognized as Thais and accepted in the bureaucracy. Muslim Thai, Surin Pitsuwan, was Foreign Minister in the previous government, and another Muslim, Wan Mohammad Nor Matha, was Parliament President.[2] General Sonthi Boonyaratglin, a Muslim, was appointed commander-in-chief of the Royal Thai Army by Thaksin Shinawatra and is currently the Deputy Prime Minister in charge of National Security.

The ethnic Chinese born in Thailand are given Thai citizenship, and the third generation is classified as ethnic Thais. Even second-generation Chinese such as Banharn are accepted as Thais.[3] The Thais do not see a fundamental conflict between the two identities and the ethnic Chinese feel very comfortable with the Thais. There is no glass ceiling for the ethnic Chinese in Thailand, several prime ministers being of Chinese descent. For instance, Banharn Silpa-archa is also known as Ma Dexiang, Chuan Leekpai is also known as Lu Jiwen,[4] while Thaksin Shinawatra is also known as Qiu Daxin.[5] Of course, it does not mean that the ethnic Chinese have always been accepted in Thailand. At the beginning of the 20th century, there was some anti-Chinese sentiment, which was endorsed by King Rama VI himself. A second anti-Chinese campaign was launched during the early 1950s under Phibun. But from the 1970s, and particularly after the end of the Cold War, the ethnic Chinese have really felt welcomed by the ethnic Thais.

Burma/Myanmar

Burma also introduced assimilationist policies towards its indigenous and ethnic Chinese minorities. Before the military regime (1962), the policy was more liberal. The making of Buddhism as the state religion gave rise to the rebellions of non-Buddhist indigenous groups, particularly the Christian Karen. Force was used to crush the rebellions. But under the military regime, Burmese Socialism is used as the Burmese ideology. The ethnic Chinese appear to have been integrated into the Burman-dominated society. This is probably due to Buddhism, which has been observed by both Bamar (Burmans) and ethnic Chinese. Even the surrendered drug warlord Khun Sa (1933–2007), who was an ethnic Chinese,

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

was accepted by the Burmese authority and was treated like a member of an indigenous minority group.[6] Like other Southeast Asian countries, Burma also used national education, citizenship and national institutions to integrate the ethnic Chinese and the integration progress has been quite successful. Those Chinese who have lived in Burma for a long time have adopted much Burmese attire and customs, as well as the language.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Philippines

The Philippines under President Ferdinand Marcos also introduced an assimilationist policy towards the minority groups. The Christian government wanted to integrate Muslims into the mainstream in society, and this was often interpreted by many Muslims as being Christianization. Indeed, through language and education, the Marcos government wanted to Christianize the Muslims. Marcos adopted a largely military solution to the so-called Moro problem but without much success. The ethnic Chinese minority was encouraged to integrate by becoming Philippine citizens, and Chinese-language schools were Filipinized. However, after the fall of Marcos, the emergence of a democratic government made the assimilationist policy unpopular. The post-Marcos governments have adopted a more accommodationist policy. A major Muslim group, the MNLF, even signed a peace treaty in 1996 with the Ramos government. Nevertheless, the policy towards the Chinese is still integrationist. Many younger-generation Chinese even call themselves Tsinoy, a Philippine term to refer to Chinese Filipinos. A Chinese-Philippine youth organization in Manila, Kaisa, which popularized the term Tsinoy stated that

> "The Philippines is our country, it is the land of our birth, the home of our people … Our blood may be Chinese but our roots grow deep in Philippine soil, our bonds are with the Filipino people … It is our desire, our hope and aspiration — that with the rest of our people, we shall find our rightful place in the Philippine sun."

In the past, the birthplace and citizenship alone did not make "Philippine Chinese" members of the "Filipino nation," but individuals of

mixed Chinese ancestry (Chinese mestizos) have been considered as "Filipinos." Also, many Chinese mestizos have become Filipinos and merged with the Christian population. Many ethnic Chinese have also been converted into Christianity. The late Jaime Cardinal Sin (Bishop of Manila) and former President Corazon Cojuanco Aquino are known to be Chinese mestizos. Even Alfredo Lim, former governor of Manila, who was a presidential candidate, is a Chinese mestizo. Since the Philippines is a Christian majority country, adopting the Christian religion has become an important vehicle to be a Filipino.

Malaysia

The Malaysian policy towards the ethnic minorities are accommodationist at one level but hegemonic at another level. While allowing religious freedom, Malaysia is a Muslim State where Islam is the official religion. The government has introduced the national school system, but has allowed either Chinese or Tamil to be used as the medium of instruction in "national type-schools" up to the primary school level. Nevertheless, the Malaysian culture is largely defined in terms of Malay and Islamic culture, while other cultures and religions do not have comparable status. Therefore, the nation-building process has been pro-Malay.

Another unique feature in the Malaysian nation building process was the New Economic Policy (NEP, 1971–1990) and after 1990, the New Development Policy (NDP). The purposes of the policy have been to eliminate poverty and to restructure Malaysian society so that ethnicity would not coincide with economic division. The result of the NEP was rather controversial but it seems that there was an emergence of the Malay middle class alongside the ethnic Chinese. However, under the present Malaysian constitution, Malaysia is effectively a Malay country, and the Malays as *bumiputra* (sons of the soil) are given a "special position" in the constitution. Recent demonstrations and uproars against perceived economic marginalization of the Indian minorities have continued to fuel the controversy. In the foreseeable future, it is likely that Malays will continue to dominate the political and administrative sectors.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Vietnam

The policy towards the ethnic Chinese adopted by Vietnam after unification was also assimilationist in nature. This coincided with the deterioration in Sino-Vietnamese relations. Beijing suspected that Hanoi was moving closer to Moscow and hence to surround the PRC. Hanoi felt that Beijing wanted to use the ethnic Chinese to undermine Vietnam. In fact, between 1956 and 1975, the South Vietnamese government had also implemented policies of assimilation towards the ethnic Chinese in terms of language and citizenship. Soon after the unification of Vietnam in 1975, Hanoi began to assimilate the ethnic Chinese by forcing them to become Vietnamese citizens and by abolishing Chinese schools. At the same time, Hanoi introduced a policy of socialist transformation, which affected the Chinese in the south, resulting in the exodus of the ethnic Chinese. This policy of expulsion was implemented concurrently with assimilation. However, after the collapse of the Communist system, the assimilationist policy was deferred and the policy of accommodation was readopted. Both overseas Vietnamese and former Vietnamese Chinese have been encouraged to invest in Vietnam, and many have returned.

Singapore

The only country that has adopted explicit cultural pluralism is Singapore. However, it is wrong to suppose that the government of Singapore never intended to integrate multi-ethnic Singapore. Initially, the concept of a melting pot was entertained. Soon after attaining independence in 1965, the government emphasized "Singaporeaness," de-emphasizing ethnic differences. Bilingualism was introduced at the outset, but the application was not rigid. It was still free for any ethnic group to study a non-mother tongue in addition to English. English was promoted, and became the administrative language of the Republic.

However, during the 80s, the government felt that the Singapore Chinese were losing their culture which would be detrimental to Singapore competitiveness. Hence, each ethnic group was required to study its mother tongue. The state rather than "everyday life" has defined the mother tongue for the Singaporean Chinese: regardless of their dialect

groups and birthplaces, their mother tongue is Mandarin. By the 1990s, the state had declared that the melting pot objective could not be achieved and cultural pluralism would remain for a long time.

The strategies to create a Singapore nation have been shifted to the creation of shared values. In addition, the state continues to use public housing, national service, community centres and "national education" in school to promote a sense of national belonging. English remains as the working language for all Singaporeans but the use of ethnic languages is stressed. Some scholars feel that the government is pursuing two opposing goals: on the one hand there is national integration; on the other hand the population is being re-ethnicized. The government is attempting to maintain the balance. Some scholars argue that at this stage, it is easier to speak of Singapore citizenship rather than Singapore nationhood.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Ethnic Chinese Responses to the Policies

Ethnic Chinese responses to the policies differ from country to country, depending on factors such as the concept of the nation, the willingness to accept Chinese ethnicity, the religion of the host country and business opportunities.

Generally speaking, the ethnic Chinese are better integrated in the countries where the concept of nation is more cultural than racial, as there is room for the Chinese to move upward. In Thailand and, to a lesser extent, the Philippines, for instance, the nation is defined in cultural terms, and the Chinese have been eager to identify themselves with the host communities. In Thailand, all TV and film shows, including very popular Chinese shows, are dubbed in Thai. There is no demand from the majority of the Chinese to see the shows in Mandarin.[7] Buddhism and Christianity appear to be more acceptable to the ethnic Chinese. But in both cases, ethnic identity is tolerated by the state because it does not come into conflict with nation-building.

In Indonesia, the Indonesian nation has been defined in both cultural and racial terms. The ethnic Chinese in the 32 years of Suharto's rule were constantly under pressure to assimilate, and the majority was indeed forced to be integrated, if not assimilated, at least in terms of

language and education. Even Chinese names were changed to "Indonesian"-sounding names. However, because of the racial concept of the Indonesian nation and the dominance of Islam, the ethnic Chinese were not fully accepted by the indigenous population (especially the ruling elite). They were differentiated and discriminated against. As a result, Indonesian Chinese were constantly reminded that they were "outsiders." The anti-Chinese riots in May 1998 deepened the division between the Chinese and indigenous Indonesians. Nevertheless, Chinese Indonesians and "indigenous" Indonesians relations have improved after the fall of Suharto.

In Malaysia, the concepts of "Malayan/Malaysian" and later "Bangsa Malaysia" are Malay-based, yet the Chinese have been allowed to retain both their ethnic identity and culture as they are large in number and strong as a socio-cultural force. In other words, the Kuala Lumpur government in practice does not pursue the assimilation policy despite its "ethno-nation" concept. Nevertheless, indigenism favouring the Malays has continued to irritate the Chinese and Indian minorities. Since Malayness is identical with Islam, the concept of nationhood has also a religious dimension which may create problems for the non-Muslim minorities. As such, the problems of nation-building have not been resolved.

Vietnam also subscribes to the "ethno-nation" concept. To be a member of the Vietnamese nation means to be assimilated into the Viet community. The ethnic Chinese were suspected and were forced to abandon their identity. They were caught in the struggle between Hanoi and Beijing which led to a Chinese exodus in the latter half of the 1970s. But tolerance came with the economic open-door policy. As for Myanmar, some ethnic Chinese have been assimilated into Bamar (Burman) society, but newer migrants appear to be regarded as outsiders. As for Singapore, the multiracial nation concept is advocated. Being the majority, the Chinese are not under any pressure to be assimilated.

Overall, the ethnic Chinese have responded to nation-building policies in Southeast Asian countries quite favourably; they have succeeded in adjusting and adapting themselves to Southeast Asian nations. Nevertheless, varying degrees of Chinese ethnic identity remain. The Chinese identity may become stronger in the future as globalization has taken place and China has emerged as a major power.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chinese Ethnicity and Globalization

The collapse of Communism and the end of the Cold War have impacted differently on ethno-nationalism in different parts of the globe. In Eastern Europe and the former Soviet Union, ethno-nationalism has resulted in the disintegration of many states. The impact of ethno-nationalism on some Southeast Asian states has also been noticeable. Indonesia, Thailand and the Philippines have experienced increased ethnic and religious challenges. The fall of Suharto was not directly linked to the end of the Cold War, but the economic crisis which triggered the decline of a central authority gave rise to intensified separatist movements among minority groups such as the East Timorese, West Irianese (or Papuans) and Acehnese.

On the other hand, the end of the Cold War also gave rise to a new emphasis on democracy and human rights in developing countries. The rigid concept of nation in some Southeast Asian countries has been relaxed as a consequence. Ethnic rights have begun to be respected, at least in theory if not in practice. Absorption policies and nation-building based on one ethnic group have been equated with anti-democracy and hence out of date. Self-determination has again emerged as a political challenge to the concept of nation-state.

The impact of the end of the Cold War has led to improved relations between non-communist and communist countries. China has abandoned its ideological approach towards Southeast Asia and stopped supporting communist movements. Both Kuala Lumpur–Beijing relations and Bangkok–Beijing relations have improved tremendously. China's open-door policy has also made the country more acceptable to many Southeast Asian states. China has emerged as an economic power, inviting both ethnic Chinese and non-Chinese to invest. The resurgence of China appears to have an impact on the ethnic Chinese in Southeast Asia. The ethnic Chinese in some countries have begun to revive their culture, although there has been no movement for the Southeast Asian Chinese to return to and live in China. Nevertheless, ethnic pride among some Chinese in Southeast Asian countries (including Indonesia where the Chinese are quite acculturated) has strengthened.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The fall of Suharto and the rise of Habibie have also strengthened ethnic consciousness in general. The anti-Chinese riots prior to the fall of Suharto, especially those in May 1998, during which Chinese women were reported to have been gang-raped, have resulted in widespread condemnation, especially from the Chinese community worldwide. Reports in the world mass media and the internet have transformed an Indonesian Chinese issue into a "world Chinese issue."

The rise of ethnicity (including Chinese ethnicity) has challenged the indigenous concept of some Southeast Asian nations. Indonesia, for instance, started to modify its indigenous model of an Indonesian nation and became more pluralistic. Nevertheless, many Southeast Asian states refused to accept new Chinese immigrants, fearing the strengthening of their own ethnic Chinese community. For one thing, with the exception of Singapore, which has welcomed Hong Kong and mainland Chinese migrants, there has been no major influx of new legal Chinese migrants into other Southeast Asian countries.

The majority of the Chinese living in Southeast Asia has been "acculturated" in varying degrees. It is interesting to note that before the fall of Suharto, despite a series of anti-Chinese riots in Indonesia, there were no mass movements among the Chinese Indonesians to leave the country. The exception was in 1998 when there was a breakdown of order in the country and the Chinese were targeted by the rioters. However, most have now returned.

In countries where ethnic identity does not come into conflict with national identity (for instance Singapore, Thailand, and to a lesser extent, the Philippines), the Chinese have been and are being accepted as part of the new nations. But in countries where ethnicity and national identity are in conflict (for instance, Suharto's Indonesia), the loyalty of the Chinese is under question.

The emergence of ethnicity has also given rise to ethnic networking. Some ethnic groups have utilized ethnic ties rather than national ties to promote their economic interests. Indians, Malays and Chinese in Southeast Asia are using these ties, some with the encouragement of their respective governments (e.g. Singapore and Malaysia). However, the most successful and well-developed in Southeast Asia are still the ethnic

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chinese networks. As long as these are done within the "nation-state" framework, it will not cause political problems.

Despite recent efforts at forging closer ASEAN integration such as the signing of the ASEAN Charter, and the gradual implementation of ASEAN–China Free-Trade-Agreement (FTA) by 2010 — for the six original ASEAN members initially and the four new members five years later (2015) the significance of such an integration should not be over-emphasized as it is still a long way to achieving maturity. The role of such perceived regional ethnic Chinese networking should thus not be played up. The ethnic Chinese in different Southeast Asian states should still be examined in terms of their respective countries and within the context of the region. After all, the ASEAN–China FTA is premised on the integrity of the Southeast Asian states and should transcend the ethnic discourse.

Concluding Remarks

The countries in Southeast Asia are actually multi-ethnic states, not "nation-states." They are modern nations in the making, having been created after Western colonial rule. These new nations, or nations-to-be, were built on the structures and rules left behind by the former colonial powers. Among these new nations, some are "ethno-nations" (at least in name) while others are "social nations," both with weak foundations.

The positions of the ethnic Chinese in these "nations" vary; all (except in Singapore) have attempted to integrate with the "indigenous" societies. The relative failure or success of the state policies towards that end depend on many factors, but the concept of "nation" plays an important role. The countries which endorse the concept of "ethno-nation" or "racial nation" have encountered some problems.

The rise of China as an economic and a political power in the world may also impact nation-building process of Southeast Asian Chinese. Some maintained that globalization and the rise of China may attract ethnic Chinese in Southeast Asia to be re-oriented toward China and affect its national identity. Others insisted that the majority of Southeast Asian Chinese would continue to be oriented towards their adopted land and feel that they are part of the nation they live in.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Referring to the impact of globalization, Wang Gungwu maintained that

> "For the ethnic Chinese, this may be a temptation for them to slow down their commitment to nation-building. I am not suggesting that it is happening. But because globalization beyond the narrow confines of national boundaries provides new escape hatches, a mechanism is being provided that can allow them to avoid those parts of nation-building. Those who are not committed, or particularly loyal to the kind of nation-building process that is prevalent, could be easily tempted by these new forces to resist nation-building itself."[8]

The argument of Professor Wang is correct in that there is a force which hinders the nation-building process and that the Chinese in Southeast Asia are not homogeneous; some ethnic Chinese may no longer want to join the nation-building process. Nevertheless, the majority of the ethnic Chinese who were born and brought up in the region may have no choice but to participate in this nation-building process. Many of these Chinese have been quite acculturated and have no other options but to identify themselves with their birthplace provided that the concept of nation is not rigid.

It should also be pointed out that in the era of globalization, the Southeast Asian states have also reexamined their nation-building policies and adjusted to the changing international environment, with different results from country to country, depending on the domestic situations. Nevertheless, no country in Southeast Asia has completely abandoned nation-building. The resurgence of China and the revival of ethnicity in recent years have posed new challenges to nation-building in Southeast Asia vis-à-vis the ethnic Chinese. Both the Southeast Asian states and the ethnic Chinese have begun to respond to these challenges by emphasizing multi-culturalism and de-emphasizing indigenism in their concept of "nation." In the midst of such developments, the process of Southeast-Asianization for the majority of the ethnic Chinese will continue.

Endnotes

1. A secular state here means a state without an official religion.
2. I would like to thank Dr. John Funston for providing me with this information.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

3. Banharn's birthplace was a political issue during the election — some claim that he was born in China — but this did not stop him from being elected as the Prime Minister of Thailand.
4. In the late 1980s, among the new cabinet ministers, about half were Chinese Thai (including Prime Minister and Deputy Prime Minister). They still have either Chinese surnames or complete Chinese names. For instance, the Chinese name for Chuan Leekpai is Lü Jiwen 吕基文, while the Chinese name for Banharn Silpa-archa is Ma Dexiang 马德祥, and the Chinese name for Pichai Rattakul is Chen Yuchai 陈裕财. *See* "Zhengjing jiangu, suyuan wenzu" 政经兼顾，溯源问祖 (To tackle both politics and economy, and to trace ancestry as well), *Yazhou Zhoukan*, 22 January 1989, pp. 21–22.
5. "Daxin fang hua yao hui Meizhou xun genben" 达信访华要回梅洲寻根本 (Thaksin wants to visit China to search for roots), *Lianhe Zaobao*, 2 July 2005, and "Baozheng Daxin ruyuan tanfang muqin Meizhou guju" 保证达信如愿探访母亲梅州故居 (to ensure Thaksin that he would be able to visit his mother's old house in Meizhou), *Lianhe Zaobao*, 3 July 2005. In the report, it stated that Thaksin's great grandfather came to Thailand in 1906. Thaksin's father was born in Thailand but returned to China during WWII, together with his Thai-born wife. They eventually returned to Thailand after the end of the War.
6. Khun Sa (1933–2007) was born of a Chinese father and Shan mother, his Chinese name was Chang Chi-fu 张奇夫. *See* "Drug warlord Khun Sa dies in Yangon at 74", *Straits Times*, 30 October 2007.
7. This point was made by a Professor from Ramkhamhaeng University in Bangkok.
8. Wang (2004, p. 14).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 6

China's Citizenship Laws and Southeast Asian Chinese*

At the turn of the 20th century, there were new waves of Chinese migrants to Southeast Asia and many continued to live in the region and eventually become Southeast Asians but others went on to identify themselves as Chinese. For many years, China considered the overseas Chinese as its citizens, which posed a dilemma to the Southeast Asian Chinese who were already citizens of the Southeast Asian society. When addressing nation-building in Southeast Asia, especially when discussing the Chinese component of the nation, the shadow of China looms large and China's attitude toward the Chinese overseas, especially its citizenship law, is directly relevant to the nation-building issue.

In fact, citizenship (or "nationality") has always been a sensitive issue in Southeast Asia, constituting one of the problems that many Southeast Asian states faced with the People's Republic of China (PRC). However this problem appeared to have been resolved with the promulgation of the 1980 PRC Citizenship Law (also known as PRC Nationality Law), though not in its entirety as the issue of dual citizenship resurfaced recently. Interestingly, the ones who raised this issue were not Southeast Asians, but the Chinese in China. In 1999, during the National Overseas Chinese Affairs Working

* This chapter derives heavily from my earlier work on "China's Citizenship Law and the Chinese in Southeast Asia," in M Barry Hooker, ed., *Law and the Chinese in Southeast Asia*. Singapore: Institute of Southeast Asian Studies, pp. 169–184; Leo Suryadinata, "China's Nationality Law, Dual Nationality Status, and the Chinese in Southeast Asia," *CHC Bulletin*, Issues 7 and 8, (May and November 2006), pp. 4–10.

Committee Meeting held in Qingdao, Shandong Province, a Chinese leader from the "Overseas Chinese Affairs Office" under the State Council called for the dual citizenship status of Chinese overseas to be revived.

In the same year, during the second session of the 9th People's Political Consultative Conference (PPCC), Chen Duo, Ye Peiying[1] and 10 other committee members made a proposal (No. 2172), suggesting that "the dual citizenship status of Chinese citizens should **not** be abrogated."

In 2004, during the second session of the 10th PPCC, another proposal (No. 0222) was made to amend that part of the Constitution of the PRC relating to the citizenship law, so that Beijing "can selectively recognize the dual citizenship status."[2] In response to such developments, Hong Kong TV channels and Internet websites hosted a debate on the issue of the Chinese dual citizenship status which had been temporarily put aside even though it had not been completely resolved then. If the dual citizenship status is revived, what will its impact be on the ethnic Chinese in Southeast Asia in general and Malaysia in particular? This is an interesting topic for discussion and study. First of all, let us look at the developments of Chinese nationality (citizenship) law from the Qing dynasty to Republican China in order to understand the current situation.

The 1909 and 1929 Citizenship Laws[3]: Dual Citizenship Status for Chinese Overseas

The 1909 Citizenship Law

China's first "nationality law" (read: Citizenship Law) was issued in 1909 at a time when the Qing dynasty was facing tremendous difficulties, especially in dealing with the "overseas Chinese." It was argued that the law was a reaction to the Dutch government which intended to declare the Chinese in the Dutch East Indies (Colonial Indonesia) Dutch subjects. Fearing the tremendous pressure on them to become Dutch subjects, many Chinese-born migrant Chinese appealed to the Qing government to promulgate a citizenship law which would enable them to remain as Qing's subjects under the protection of the Qing dynasty.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

In fact, the Qing government had earlier realized the importance of the "overseas Chinese." Prior to the appeal of the Chinese in the Dutch East Indies, it had already negotiated with the Dutch authorities on their rights in the Indies. Nevertheless, the pressure of the Chinese officials in Colonial Indonesia hastened the process where the Qing Citizenship Law came into being. In 1909, it promulgated the first citizenship law, stipulating that all Chinese born in and outside China were the "citizens" (subjects) of the Imperial China.

Because of this law, the Dutch hurriedly issued the *Nederlandsch Onderdaanschap* (Dutch subject-ship law) in the following year, making it mandatory for all Chinese born in the Dutch East Indies (mainly *peranakan*[4]) to be classified as Dutch subjects. Therefore, both the Chinese and Dutch governments were claiming jurisdiction over the Chinese in the Dutch East Indies. Negotiations between China and the Netherlands, which had begun in 1908 but soon stopped, were resumed in the Hague. The talk led to a Consular Treaty between the Netherlands and Imperial China in 1911, with China acknowledging that the Dutch East Indies-born Chinese in the Netherlands and its territories were subject to Dutch Law. But they were free to choose either Chinese citizenship or Dutch subject-ship if they left the Dutch territories. In return, the Dutch agreed to the establishment of a Chinese consulate in the Dutch East Indies, which would primarily serve as a commercial agency.

At this stage, China had not completely abandoned its claim over the "overseas Chinese," but merely agreed to the application of the Dutch law to the *peranakan* Chinese when they were in the Dutch East Indies for practical purposes. By then, the Dutch East Indies-born Chinese were holding dual citizenship. It should be noted that strictly speaking, subject-ship was not really citizenship, but a position with a lower status than citizenship or nationality. The Dutch Indies-born Chinese were thus Dutch subjects, but not Dutch nationals (citizens). This was also the case with the Straits-born Chinese in Malaya and Singapore who were British subjects but not British nationals (citizens). Nevertheless, to simplify the matter, when discussing Chinese citizenship during the colonial period, we often do not differentiate between these two concepts (i.e. subject-ship and citizenship). As in the case of the *peranakan* Chinese in Java, the Straits-born Chinese held dual "citizenship" (subject-ship) status.

However, the Qing dynasty did not have much time to implement the 1909 citizenship law as it was overthrown during the 1911 revolution; nevertheless the law served as a basis for the subsequent citizenship law in Republican China.

The 1929 Citizenship Law

There is no doubt that the 1912 law and the 1929 law were all based on the 1909 law where the 1912 citizenship law had been in force before the unification of southern and northern China. Many "overseas Chinese" hence held dual citizenship, the case in point being the Indies-born Chinese. It was not a problem as long as the person concerned stayed within the Dutch territory. But when he/she went to China, the person would automatically be subjected to Chinese law. A notable case concerned Oen Keng Hian, a peranakan Chinese who committed a crime in Java and fled to China. Oen was arrested in China and the Dutch government attempted to have him extradited to the Indies to be tried under Dutch law there, but the Chinese government rejected the request as Oen was a Chinese citizen according to the Chinese law. China won the case and Oen could only be tried in the Chinese court in Shanghai.[5]

The 1929 law was the first Guomindang (Kuomintang) law after Chiang Kai-shek succeeded in unifying China. It used the *jus sanguinis* (blood) rather than *jus soli* (birthplace) as the principle of Chinese citizenship law. Under this citizenship law, "no Chinese could divest himself of his citizenship without first obtaining a certificate of denationalization from the Ministry of the Interior, and such a certificate was rarely gained."[6]

A number of factors contributed to the *jus sanguinis*-based nationality law. Guomindang China, like its predecessor, was aware of the value of the "overseas Chinese." It was intended to make them remain culturally and politically loyal to China. Chinese schools as part of Chinese education were supported by the Guomindang throughout Southeast Asia, and Chinese nationalism was encouraged. However, so long as Southeast Asian countries remained under colonial rule where they could be portrayed as struggling against Western imperialism, they provided Chinese nationalism the opportunity to co-exist with Southeast Asian

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

nationalism. (The exception was Thailand where there was a clash between Chinese nationalism and Thai nationalism.) Nevertheless, Chinese nationalism posed a challenge to Southeast Asian nationalism after independence.

The 1955 Afro-Asian Conference and the PRC Citizenship Law (1980): From Dual Citizenship to Single Citizenship

The PRC was established on 1 October 1949 but until early September 1980, there was no PRC citizenship law. In the absence of this new law, it seems that the 1929 Guomindang citizenship law was still in use, if not fully, at least partially. Only on 10 September 1980, the PRC Citizenship Law was suddenly adopted by the Fifth National People's Congress.

In discussing the 1980 law, Johannes Chan forcefully argued that it "reaffirms the principles of the *jus sanguinis* and non-recognition of dual nationality [citizenship]." On de-nationalization, it adopted a more liberal approach. "While maintaining the general principle of no-denationalization without government consents, it allows, for the first time, automatic loss of Chinese nationality [citizenship] for those who have acquired a foreign nationality [citizenship] … of their own free will" (Chan, 1992, p. 489).

In fact, the principles used in the 1980 law were practised by the PRC as early as 1955 when Premier Zhou Enlai introduced his good-neighbor policy, which was intended to solve the dual citizenship problem. Aware of the suspicion of the new Southeast Asian governments, Zhou was willing to sign the dual-citizenship agreement with Southeast Asian countries which had sizeable Chinese communities. Once such an agreement was signed, local Chinese could only have one citizenship. In other words, an ethnic Chinese was required to choose one citizenship and renounce the other, but only if Indonesia signed such a treaty. This was during the Cold War and many non-communist and anti-communist Southeast Asian countries were still strongly suspicious of the PRC until the normalization between Washington and Beijing in early 1971.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Nevertheless, it took another few years before Malaysia, the Philippines and Thailand established diplomatic ties with the PRC. It is important to note that in all communiqués, China requires the signatory country to recognize a "One-China Policy" while China did not recognize dual citizenship. In the case of Malaysia, for example, the communiqué clearly stipulated the following:

> "Both the Government of the People's Republic of China and the Government of Malaysia declare that they do not recognize dual nationality [citizenship]. Proceeding from this principle, the Chinese Government considers anyone of Chinese origin who has taken up of his own will and acquired Malaysian nationality [citizenship] as automatically forfeiting Chinese nationality [citizenship]…"[7]

In other words, Beijing denounced its judiciary power over the Chinese who chose foreign citizenship in order to show to the Southeast Asian governments that it would like to establish friendly relations with them. During that period, many Southeast Asian states were newly independent, and were at the stage of "nation-building." They were suspicious of the PRC who was not only different ideologically but also projected a revolutionary image. However, Chinese leaders such as Zhou Enlai considered the so-called "Chinese problem" as a historical legacy which should be resolved in order to promote good relations with local governments. It seemed that Zhou was sincere and his government encouraged local Chinese to choose local citizenship and integrate themselves into local societies. This policy of rejecting dual citizenship was continued without issuing any Chinese citizenship law. Only after the resurgence of Deng Xiaoping in 1978 and the occurrence of the Sino-Vietnamese War in February 1979 was the first PRC citizenship law promulgated in 1980.

The promulgation of the 1980 citizenship law only reaffirmed the existing national status (citizenship status) of the Chinese in Southeast Asia. This has officially resolved the dual citizenship problems between China and Southeast Asian countries with significant number of ethnic Chinese minorities.

However this new policy was questioned by some "domestic returned overseas Chinese" who preferred dual citizenship for "Chinese overseas."

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

They thought that many ethnic Chinese in reality had dual citizenship or multi-citizenship. China should not be afraid of offending other countries and it should not introduce a single citizenship policy. However, this view was overruled by Deng Xiaoping.[8]

In the early 1990s, there was again a discussion on Chinese citizenship among these "domestic overseas Chinese." Although they no longer directly made demands for dual citizenship status, they urged the Beijing Government to make it easy for foreign Chinese to become Chinese citizens again. They also argued that the PRC Citizenship Law had been issued at a specific time for Southeast Asia where the majority of overseas Chinese had been domiciled. However to date, the situation had changed in that the centres of the ethnic Chinese were no longer concentrated in that region but had expanded to North America and Europe.[9] With the rise of a new "Overseas Chinese Centres," it was necessary for China to have a new policy towards the ethnic Chinese. However, to my knowledge it was never put forward officially in the People's Congress before 1999. It was only in 1999 that the proposal of re-examining the 1980 Nationality Law was raised in the PPCC.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Why Dual Citizenship?

Why did some of the Overseas Chinese Affairs officials in China raise this issue at this time? This is related to the new wave of Chinese migrants, often known as *xin yimin* 新移民. In addition, it has something to do with the re-emergence of Chinese nationalism in China together with the rise of China as a new economic giant. Originally, the voices came from these *xin yimin* or the first generation Chinese migrants from Canada, New Zealand, the US,[10] and of course some Chinese leaders in Beijing.

Those who agreed with the dual citizenship status for the "Chinese overseas" argued that there are benefits for both the PRC and the ethnic Chinese. Below is a summary of some of their arguments:[11]

1. Beneficial to attract a large number of talents, technology and capital and experience. Because those with dual citizenship can enter and leave the country freely, they will bring more business, remittances and taxes.

2. With dual citizenship, the "Chinese overseas" will be oriented towards China, to defend the national interest of China; he or she can be invited back to be a member of the People's Congress as a Chinese citizen, to express his/her views and contribute to the development of China.
3. They will foster the unification of China with Taiwan and oppose Taiwan's independence. They can support the unification of China as Chinese citizens.
4. Easy for China to manage these Chinese. If they commit crimes in China, they can be tried in accordance with Chinese law which will not jeopardize the interest of China.
5. Many countries in the West (e.g. the US, Canada and Australia) recognize dual citizenship status.

In short, this group argues that dual citizenship would bring both political and economic benefits to China and provide the "Chinese overseas" an emotional sentiment for their traditional motherland. If we examine the above argument, it is clear that it strongly reflected China's domestic point of view; it also represented the idea of the *new Chinese migrants* to the West rather than old migrants in Southeast Asia. In addition, the benefits that the group mentioned may not necessarily be true. The implementation may jeopardize Beijing's foreign policy interest. I will comment on these arguments later.

Opposers of Dual Citizenship Status

However, those who disagreed with the re-adoption of the dual citizenship status are people from Southeast Asia, or "returned overseas Chinese" scholars who came from the Southeast Asian region. They have lived among the indigenous people and understand the problem of "nation-building." They maintained that the dual citizenship status would harm the Chinese individuals, China and inter-state relations. Below are the summary of their arguments:[12]

1. The dual citizenship status would jeopardize China's relations with friendly states; they would begin to suspect the motives of China in reintroducing dual citizenship.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

2. It would also create problems for the ethnic Chinese individuals with regard to their rights and obligations.
3. He/She might receive discriminatory treatment in one country, but may not be able to ask for protection from the other country as the two countries have equal rights.
4. He/She has to give his/her allegiance to two countries, and this would put him/her in a very difficult position.
5. Also, the dual citizenship status often gives rise to diplomatic problems and conflicts: for instance, a Chinese with dual citizenship who committed a crime escapes to the third country to avoid arrest, it may also create problems for the third country.

The opposition arguments also consider the points of view from both China and the "Chinese overseas." Nevertheless, it appears that the dual citizenship status would create more problems than benefits for China and ethnic Chinese. In fact, many argue that since the PRC has been gaining benefits from practising the single citizenship policy, why should this be changed at this moment as it continues to serve the interest of the PRC? Furthermore, it is also in the interest of the majority of the Chinese in Southeast Asia and beyond.

Some of the scholars, including Ling-chi Wang (University of California, Berkeley) and Zhou Nanjing (Peking University) argued that those "Chinese overseas" who wanted to have a dual citizenship status are small in number. They are either new migrants or Chinese businessmen who would like to have their cake and eat it. But they do not represent the majority of the Chinese overseas. Their attitude and interests should not prevail at the expense of the majority interest.

In my view, the opposition group is more enlightened. The pro-dual citizenship arguments have the following pitfalls:

1. The first point assumes that the majority of the "Chinese overseas" with skills and capitals want to obtain dual citizenship (one of them was that of the PRC). In fact, many "Chinese overseas" may not be interested in having PRC citizenship at all. The argument that dual citizenship will give the "Chinese overseas" the freedom to move around in China is false. The "green card" (PR status) policy, which

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

had already been implemented in 2004, will serve this purpose; one does not have to change his/her citizenship status. Therefore, the argument that a dual citizenship policy will bring more business, remittances and taxes may be considered dubious in this case.

2. This argument is also based on the assumption that the majority of "Chinese overseas" are interested in participating in China's politics; that may not be the case at all.
3. The "Chinese overseas" are not a homogeneous group and they have different ideologies. Many are loyal to their adopted country. It is also a fact that Mainland China and Taiwan are still separated, and the "Chinese overseas" are also divided in their views.
4. The Chinese citizenship status for the "Chinese overseas" would enable the Chinese government to arrest and try ethnic Chinese who have committed all sorts of crimes (including "political crimes") in China. It is also possible that the Chinese government would use the citizenship issue as a foreign policy tool. But it may not be without a problem to use the citizenship issue to intervene in other country's domestic affairs, in fact, intervention would not be welcome by the country concerned.
5. Every country has a different historical background and China does not have to follow other countries if this is neither in the national interest of China nor in the group interest of the ethnic Chinese. In fact, the US began to review the dual citizenship status of the people from some countries after the 911 incident.
6. It is also worth noting that unlike the dual citizenship status in the West, the dual citizenship status for the Chinese has an "ethnic" or "racial" connotation as almost all Chinese citizens are "ethnic Chinese." To impose Chinese dual citizenship law may confirm that China promotes "racialism": once you are born Chinese, you are always Chinese.

What if China Revived the Dual Citizenship Status for the Chinese Overseas?

The majority of Southeast Asian states in general do not recognize the dual citizenship status for their citizens, especially the citizens of Chinese

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

descent. They introduce a single citizenship policy. Those Chinese who became the citizens ("nationals") of one of these countries had been required earlier to give up their other citizenship (including the PRC citizenship). It is an offence to hold dual citizenship. If China reintroduces the dual citizenship status to these Chinese, it will not be welcome by both the ethnic Chinese and the country concerned. The so-called indigenous population will have more excuses to discriminate their fellow citizens of Chinese descent.

Nevertheless, not all Chinese in Southeast Asia are Southeast Asian citizens. There are still significant numbers of alien Chinese in Southeast Asia, and they are Chinese citizens who will not be affected by the dual citizenship status as they have single citizenship status: Either the PRC, Taiwan or other countries.

However, in the era of globalization, due to more intensive interactions between Southeast Asia and China, increasing numbers of new Chinese migrants begin to enter and reside in Southeast Asia. According to one estimate, during the 1970s and 1990s, between 50,000 and 70,000 Chinese migrants entered Southeast Asia, the majority being undocumented or illegal migrants.[13] Even if they received permanent resident status, they are still alien Chinese, not Southeast Asian citizens, therefore they do not have "dual citizenship" status.

Nevertheless, the number of Chinese new migrants is much larger in the US, Canada, Australia and New Zealand than in Southeast Asia. Between 1980 and 1999, about 1 million Mainland Chinese migrated to developed countries, of which 450,000 went to the US, 200,000 to Western Europe, 150,000 to Australia and 140,000 to Japan.[14] A significant number of these new migrants have also become the citizens of Western countries. Some of them may not be able to integrate themselves into local society and might feel alienated; they thus want to regain the PRC citizenship. These individuals might form a very small minority. But, to be sure, a survey should be conducted to determine their number.

The problem of dual citizenship is complex and for many ethnic Chinese who live in Southeast Asia, the dual status will only bring more problems for them. They will encounter more difficulties in the local setting. With regard to China, I do not think it would bring much benefit

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

either. The fear of the "China threat" and "Fifth Column" will become stronger if China amends the citizenship law and recognizes the dual citizenship status — the status which it had abandoned since the Afro-Asian conference in 1955.

China's Recent Practice with Regard to the Citizenship Law

It is quite clear that in recent years, China has observed the single citizenship principle towards Southeast Asia as manifested in the May 1998 anti-Chinese riots in which Beijing displayed its constrained attitude. Beijing refused to intervene in the event as it stated that those involved were Indonesian citizens. Nevertheless, the PRC appealed to the Indonesian new authorities to protect the rights and safety of the Indonesians of Chinese descent.

In the case of the American citizens of Chinese descent, the PRC attitude was slightly different. These American citizens and residents were arrested on China's soil and the PRC claimed that they were involved in "espionage" and were "selling state secrets" to a foreign country. The cases in point are Li Shaomin, Gao Zhan, Wu Jianmin, Qing Guangguang and Teng Chunyan. They were arrested and detained by the Chinese authorities in early 2001 and only later were sentenced to 10 years imprisonment.

However, the US House of Representatives in passing a resolution on US citizens/residents of Chinese ancestry detained in China on 25 June 2001, not only "condemns and deplores the continued detention" of these people but also "calls for their immediate and unconditional release"[15]; it condemned the PRC's violation of human rights and warned the PRC government that the continuing detention of American citizens and residents would hurt Sino-American relations and the PRC national interest.

Upon American pressure, the PRC responded by holding trials for these detainees. Xin Hua News Agency reported that Li Shaomin was tried on 14 July 2001, was found guilty of espionage for Taiwan and expelled from China before the scheduled visit by then US Secretary of State Colin

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Powell.[16] In fact, in addition to Li Shaomin, Gao Zhan and Qing Guangguang were also released. Later when President George W. Bush was scheduled to have a summit with President Jiang Zemin in February 2002, more detainees were released.[17]

The American case shows that the PRC arrested these Chinese Americans not on the basis that they were formerly Chinese citizens but on the pretext of "espionage." It has therefore nothing to do with citizenship. The PRC still practised the single citizenship principle and even on this "espionage" case, Beijing gave in under the American pressure. One wonders what would have happened if the PRC citizenship law is based on the principle of dual citizenship principle. The problem might have been more complicated than the present case.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Concluding Remarks

The citizenship issue is one of the major problems in China–Southeast Asia relations. In the past, both the Qing dynasty and the Guomindang government declared that all Chinese born in China or abroad were Chinese nationals (citizens). The colonial powers in Southeast Asia also recognized local-born Chinese as their subjects. This is the origin of the question of the dual citizenship status of "Chinese overseas." The PRC was established in 1949 and continued the old "overseas Chinese" policy for many years, giving rise to suspicions on the part of Southeast Asian governments with regard to the real motive of Beijing.

Sensing the concern of the Southeast Asian governments, Beijing offered to sign a dual-citizenship treaty with the countries to resolve the dual citizenship issue during the Afro-Asian conference in 1955. Only Indonesia signed the treaty. In 1980, China unilaterally issued the first PRC citizenship law ("nationality law"), which recognizes only single citizenship. All Chinese abroad who acquire foreign citizenship voluntarily lose their Chinese citizenship automatically. The issue of citizenship for the ethnic Chinese is thus settled.

However, in the wake of the rise of China in a globalizing world, a small group of Chinese decision-makers who are not specialists on "Chinese overseas" has begun to feel that China should follow the US and Canada in introducing the "dual citizenship law." They may have

been influenced by new Chinese migrants (*xinyimin*) in Western countries who would like to have the "best of both worlds." They seem to be unaware of the history of the dual citizenship law and the world situation, especially in Southeast Asia where between 75 and 80% of the "Chinese overseas" live.

Nevertheless, the above "Chinese nationalist view" is not shared by older migrants or the local-born. A leading Chinese American scholar, Ling-chi Wang, argues that, "restoring the dual citizenship law will harm both China and Chinese abroad."[18] Those Chinese who live in Southeast Asia and know the situation well still favour the single citizenship law as the so-called indigenous population still harbour suspicions against China and the ethnic Chinese. It is important to note that Beijing has not yet made a move to amend the constitution, as the present citizenship law is perceived to be still beneficial to China. Nevertheless, the possibility of adjustment and amendment is there, depending on who is in power.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Endnotes

1. Chen Duo 陈铎 is from the literary circle while Ye Peiying 叶佩英 is from Qiaoban. *See* Zhou (2005, pp. 175–176).
2. *Ibid.*, pp. 241–243.
3. For a detailed description and analysis of the 1909 law and the 1929 law, *see* article by Suryadinata entitled "China's Citizenship Law and the Chinese in Southeast Asia" (Hooker, 2002, pp. 169–202).
4. Peranakan refers to local-born and Indonesian-speaking Chinese.
5. For a discussion of Oen's case, *see* Suryadinata (1980, pp. 26–27; 2002, p. 488).
6. Chan (1992, p. 488). I would like to thank Prof Johannes Chan of Hong Kong for providing me this article.
7. *Peking Review*, 23 (June 1974), p. 8. It should be noted that if a Chinese was forced to become a foreigner, he or she would remain as Chinese national. The case in point was that of Vietnam in 1976 after the reunification. But apart from Vietnam, it appears that ethnic Chinese have become Southeast Asian nationals on their own free will.
8. Suryadinata (2002, p. 178).
9. Mao and Lin (1993, pp. 312, 402).

10. Liang Yingming 梁英明, "shuangchong guoji bu fuhe haiwai huaren shengcun fazhan de changyuan liyi" (双重国籍不符合海外华人生存发展的长远利益, Dual citizenship is not in the long-term interest of the Chinese overseas), *see* Zhou, ed., (2005, pp. 413–425).
11. For the arguments, *see* Li (2005).
12. *Ibid.*
13. Zhuang (2001, p. 353).
14. *Ibid.*, p. 356.
15. For the resolution, *see* "Resolution on US Citizens/Residents of Chinese Ancestry Detained in China," 25 June 2001. <http://china.usc.edu/A(IkqFogBCyAEkAAAAZTMyMWRiZjQtYjUzYi00ZWY0LWI0YmYtOTZlMDVkZDg0ZGNhe_SMuCHKky_0Aj5oJHBuVIZSeSs1)S(dxz3pp550rqson4540j5dm55))/ShowArticle.aspx?articleID=392&AspxAutoDetectCookieSupport=1> (accessed on 8 November 2007).
16. Burress and Kim (2001).
17. Pomfret (2002, p. A21). <http://www.highbeam.com/doc/1P2-329069.html> (accessed on 4 March 2006).
18. Zhou, ed., (2005, pp. 352–361).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 7

Nation-Building or Citizenship-Building in Singapore?

The Origins of Singapore's Identity

It should be noted that the nation-building experience for the Singapore population is very recent as Singapore, during the colonial period, was a part of the Straits Settlements (1826). When Malaya declared independence in 1957, it only included two states of the Straits Settlements (Malacca and Penang), excluding Singapore. Nevertheless, the educated in Singapore, both English and Chinese-educated, considered themselves as "Malayans."[1] This was due to the common history experienced by the peoples in Singapore and Peninsular Malaya: they were colonized by the British, and those who were born and brought up there were British subjects. There was also intensive interaction between the peoples of Singapore and Malaya. Singapore was in fact the centre of both Malay and Chinese cultural activities. Major Malayan Malay and Chinese newspapers were published in Singapore. Singapore was also the centre of modern political activities for Malaya. Furthermore the state boundaries did not exist between them during the colonial period.

Even after the independence of Malaya in 1957, the close relations between Singapore and Malaya remained. People in Singapore called themselves Malayan, and considered Malaya as their country. There is some truth in the statement that the people of Singapore perceive themselves as Malayans, although in reality, this was not always the case. In 1959, when Singapore was given self-governing status by the British, the objective of Singapore political leaders was to be independent via

merger with Malaya. This objective was finally realized when the concept of Malaysia became a reality. Singapore merged with Malaya and became part of Malaysia in September 1963.

Nonetheless, Singaporeans as Malaysians did not last long, as Singapore departed from Malaysia politically on 9 August 1965. On that day, Singapore became an independent republic. The departure of Singapore (some said the expulsion) from Malaysia was basically a conflict between a "Malay Malaysia" and a "Malaysian Malaysia." The People's Action Party (PAP) of Lee Kuan Yew failed to change the "Malay Malaysia" concept of UMNO/Alliance and as a result, it had to leave the Federation.

Politically and legally speaking, 1965 was the time when Singapore started the process of nation-building. Prior to this year, there was no "nation-state" of Singapore. In the initial years of Singapore's independence, many Singaporeans were still expecting to rejoin Malaysia as they thought that it was difficult for Singapore to survive on its own as an independent country due to both historical and economic reasons. Historically people in Singapore thought they were Malayans and that Singapore was too small geographically and lacked natural resources. However, after passing the first three years of hard times, the Republic of Singapore eventually became a political entity to stay.

The PAP and Singapore Identity

The history of nation-building in Singapore, or the Singapore national identity, has undergone at least two periods: the melting pot period and cultural mosaic period.

The most effective way for the government to integrate the population was through the transformation of the school system. All vernacular schools were eventually transformed into national-type schools with English as the medium of instruction. Although from the time of inception the PAP government had emphasized the multi-racial society concept and also bilingualism, in practice, at least in the first phase, there was an emphasis of unity rather than diversity. The English language was emphasized and often at the expense of vernacular languages, later known as "mother tongues" as defined by the state. During this period, the concept

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

of "a Singaporean" was emphasized. People talked about Chinese Singaporeans, Malay Singaporeans and Indian Singaporeans. The PAP continued to be multi-racial, but ethnicity was de-emphasized and the concept of a melting pot modeled on the US was adopted. The government thought that with the passing of time, people of different races domiciled on the island would become "Singaporeans" eventually.

In the 1970s, the government attempted to seek a distinctive formal national costume/dress to set citizens apart from other countries but without much success. National songs and community dances were promoted, but again with little success. In 1990, during the 25th anniversary of independence, Singapore adopted the theme of "One people, one nation and one Singapore," but it seemed to conflict with the preservation of the ethnic roots.[2]

In January 1995, for instance, the then Deputy Prime Minister Lee Hsien Loong stated openly that after years of waiting for a "Singaporean Singapore" to evolve, the dream of a multi-racial melting pot, has been abandoned.[3]

In May 1999, there was a group of younger Singaporeans who put forward the Singapore 21 Vision in which the concept of the Singapore identity was discussed. SM (Senior Minister) Lee Kuan Yew noted that he was amazed by the resilience of the Japanese as a "nation" and a "race." He stated that

> "I've seen the Japanese as conquerors and I saw them rehabilitate and re-establish themselves. I could not help reluctantly but admire their sterling qualities as a nation, as a race, the Yamoto race, and they have all advantages of homogeneity, solidarity and total commitment to each other."[4]

He also argued that

> "So much easier if we're all one race, one language, one religion. And that was Jaafar Albar's cry when he wanted to beat us down: "*Satu bangsa, satu bahasa dan satu ugama*" (one nation, one language and one religion) and excluded me of course and also a lot of people."[5]

Apparently, SM Lee remembered the historical past of Singapore when it was part of Malaysia and felt that the model used by Kuala Lumpur

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

to build a Malay Malaysian nation should not be used in Singapore. Not surprisingly, he went on to say that

> "When we, having gone through that stress, came to the conclusion that we have to be the opposite: tolerant of each other, accommodative, multi-racial, multi-lingual, multi-religious, multi-cultural; in other words, I am not foisting myself on you."[6]

SM Lee also noted that it was not possible for Singapore to establish a "tribe," a term which was used by PM Goh Chok Tong in one of his speeches.

PM Goh later responded in a speech he made to the Nanyang Technological University (NTU) students a few days later. He explained:

> "I used "tribe" in the metaphorical sense of an extended Singapore Family with its distinctive core values and social characteristics, and sharing a common destiny. It is not a test tube approach to create the Singapore "tribe." We cannot just put all the DNA from our different communities into a test-tube, shake it vigorously, and presto, we have Singapore men and women. The word "tribe" is within inverted commas, to describe vividly our desire to achieve our long-term goal of becoming one family, one people and one nation based on multi-racialism … But to avoid any confusion, I shall use the clearer term of "multi-racial Singaporean tribe."[7]

Both Lee Kuan Yew and Goh Chok Tong agreed that the ethnic model or melting pot model was not suitable for nation-building in Singapore. The abandonment of these models does not mean that the "nation-building" project was also discarded. The PAP government attempted to find common grounds among ethnic groups in order to achieve "nationhood."

In fact, since independence, the government has gradually transformed all ethnic/vernacular schools, with the exception of *Madrasah*,[8] into national-type schools. English became so dominant and many Chinese and Indians, not the Malays, began to lose their "mother tongues"[9] and culture. The government was especially worried about Chinese children being "de-Asianized." It felt that it would be undesirable to have Chinese Singaporeans who only knew one language, which is not their "mother

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

tongue." Therefore, religious education was introduced into school. Ethnic language and culture were promoted. As a result, ethnic consciousness was enhanced. Even the self-helped associations were established along ethnic lines. In terms of national identity, people of Singapore began to refer to themselves as Singapore-Chinese, Singapore-Malays and Singapore-Indians rather than Chinese Singaporean, Malay Singaporean and Indian Singaporean.

Nevertheless, it is wrong to say that the government has abandoned the building of the Singapore nation; on the contrary, the government is still concerned with nation-building but the model is no longer that of the Melting Pot. It also deviates from the Indonesian model of "one country, one people and one language." The government has proposed, instead, the shared values of multi-racial Singaporeans. PM Goh Chok Tong in his speech referred to the importance of having "national heroes" and national symbols as well as "shared values." He admitted that Singapore was not yet a nation, lacking a common language or a shared historical experience and culture." Nevertheless, he noted that Singapore had developed certain social traits which set them apart from other "tribes." These included their use of Singlish [Singapore English], their food habits and the "2 K," qualities of being *Kiasu* [Afraid to lose] and *Kiasee* [afraid to die] …

However, he stressed that Singaporeans of different ancestries could build on the common values in their heritage. He mentioned the shared values and through this value integration, the government expects to produce a new Singapore nation in two generations.[10]

At this juncture, it is relevant to mention briefly about different types of multi-ethnic societies. In the literature, multi-ethnic society is divided into a plural society as defined by J.S. Furnivall and pluralistic society as defined by M.G. Smith. The former is a society which has antagonistic and non-compatible values while the pluralistic society has compatible values. When Furnivall did his studies on the plural society, he used colonial Indonesia and Burma as examples of this society while Smith noted that the US is the model of pluralist society where there are common values, and non-common values are not incompatible (For detailed discussion on these concepts, see Chapter 1).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

In other words, Singapore would like to build a pluralistic society rather than a plural society where there will be compatible values among its citizens. The five shared values, which were included in the 1991 White Paper, were being promoted.

They are: nation before community and society before self, family as the basic unit of society, community support and respect for the individual, consensus not conflict, and racial and religious harmony.[11] These five values are taught in schools but the parliament did not enact the White Paper as law. It is not known how successful the transfer of these values to the Singapore population is as there was no specific study on this. Nevertheless, in the school and media, these values, not the term "shared values," have continuously been stressed.

In fact, Singapore is still in search of a national identity. Although Singapore is multi-lingual and has four official languages, Malay is the national language but is only symbolic in nature. The real working language, in fact, is English. It is English which unites many races in the tiny republic.

In Singapore, globalization has made Singapore "an immigrant society" again. B.G. George Yeo, then (in 2000) Minister for Trade and Industry, in one of the interviews stated

> "We are seeing large numbers coming in now. I can give you one statistic you may not be aware of. For every two babies that are born in Singapore, we bring in one foreign permanent resident. Also among one of the four marriages among Singaporeans is to a foreigner. This has doubled in the last 10 years. We have become a migrant society all over again."[12]

The nation-building process received further challenge when the government released "the Population White Paper" in January 2013 at which it wanted to increase the population to 6.9 million by 2030. There was a strong reaction to the White Paper both within the parliament and outside. Many Singaporeans were unhappy with the increased number of foreigners and complained about poor conditions in transport and housing, forcing the government to call the number as "the worse-case scenario" rather than "the target" to achieve.[13]

The White Paper was debated in the parliament, before the vote, PM Lee stressed that there existed a low birth rate among Singaporeans and

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

that Singapore would not be able to sustain economic development if the population by 2013 remains 6 million or below. He urged the MPs to endorse the amended version of the White Paper. He noted:

> "But I believe that the total population in 2030 should be significantly below 6.9 million and beyond 2030, in the very long-term, it should not increase beyond that."[14] PM Lee reassured Singaporeans that "You are at the heart of all of our policies, … and we want Singapore to do well so Singaporeans can do well."[15]

When the vote was taken, the government MPs endorsed the amended version of the White Paper while the opposition voted against it.

The continuing presence of a large number of new immigrants in the city-state makes nation-building in Singapore an extremely difficult task. It is also not surprising that the ethnic feelings remain strong.

Strong Ethnic Feelings

Although the national feeling is growing in recent years, the "racial" (ethnic) feeling is stronger. Young Singaporeans have identified themselves with the new Singapore nation — the so-called Singapore nationality. Nevertheless, despite the national school system, which is supposed to be comprised of racially mixed schools, it has been noted in recent years that most of the students did not mix. In other words, students of different ethnic groups often form different ethnic clusters.[16]

The most recent survey which was conducted by the Students' Political Association of NUS regarding Singapore's national identity is indicative. "Using questionnaire forms and questions posed on website, the poll — which does not claim to be scientific — asked students on campus about their views on issues related to national identity." Out of 750 respondents, 67.8% identified themselves most strongly by race. Nationality came a close second, with 66.8% feeling most strongly with Singaporeans.[17] This shows that in Singapore, after 39 years of nation-building, the national feeling has been growing but racial/ethnic consciousness is also equally strong.

Ethnic and religious issues are still considered very sensitive in the republic. The government is looking at ways and means to integrate the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

society, but with mixed results. On the one hand, the government has introduced an integrating "mechanism" such as national service (for male Singaporeans), national school system, shared values, national symbols and meritocracy in the civil service; but on the other hand, ethnic languages and cultures are emphasized. The nation-building project is a long-term project and needs a long time to succeed, if ever, because Singapore has not subscribed to the concept of "ethnic nation" but "social nation" which is based on multi-ethnic groups. This social nation requires a long period of time to be realized, or perhaps it cannot be realized at all.

Due to practical purposes, it appears that the government, while promoting nation-building, also uses the citizenship concept to promote national unity. Citizenship — single citizenship — is a step moving towards nationhood, but citizenship does not equal nationhood, as we have argued in the earlier chapters.

Commodification of Citizenship?

In some countries in Southeast Asia and beyond, citizenship has been commodified.[18] This means that citizenship is given to foreigners based on their contributions, especially in the economic field, to the country concerned. In Singapore, this practice is particularly prevalent with reports that people with wealth and skills are welcome. Many were first given permanent resident status and later, citizenship. In the field of sports, this practice is equally obvious. In mid-2005, for instance, three Chinese-born women, namely footballer Li Jing (29), badminton players Xing Aiying (15) and Li Yujia (22), have been given Singapore citizenship. Li Jing has been the Singapore football assistant coach for two years, while Aiying and Yujia came to Singapore under the Singapore Badminton Association's foreign talent scheme. According to the *Straits Times*, these three "have given their respective sports a boost by their being granted Singapore citizenship."[19]

Nevertheless, Singaporeans were divided on their views on the "identity" of these new Singaporeans. Some reluctantly accepted them as "Singaporeans" but others refused to accept them as such.[20]

In fact, in 2002, during the Commonwealth Games, Singapore's Chinese-born table tennis players such as Jung Jinghong, Li Jiawei and

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Zhang Xueling won the first gold medals for Singapore. Many Singaporeans commented that they are "imports," not Singapore-bred sportsmen, and therefore their victory is not "Singaporean victory." Others disagreed. Singapore leaders, including Minister for National Development Mah Bow Tan, noted that "their victory is also ours," as they were Singaporean citizens and worked hard for Singapore.[21] During the 2008 Olympic Games in Beijing, the Singapore Table Tennis Team, which consisted of Chinese-born players such as Li Jiawei, Feng Tianwei and Wang Yuegu, won the prestigious silver medal, and the issue of "imported stars" was raised again. The most recent event was when the same Singapore team won the Liebherr World Team Table Tennis Championships in Moscow (2010) after defeating the China team, but this time there were fewer criticisms from Singaporeans, but criticism came from China's netizens who accused Chinese-born Singapore's players as "selling their motherland" and "traitors,"[22] but other China's netizens called them "China's overseas team" (*Zhongguo haiwai bingtuan*), indicating that they belong to China.[23] This has given a new dimension to the debate. Nevertheless, the "imported stars" issue did not die off. During a talk to 146 newly appointed youth ambassadors of the Government's feedback arm Reach,[24] one of the students asked Minister for Community Development, Youth and Sports Vivian Balakrishnan for his view on "the need to engage foreign talent in local sports, particularly that of China." The minister was angry. He referred to those who view Singapore's foreign-born athletes as "less of a Singaporean," … as "small-minded, unfair and very, very selfish."[25]

During the 2012 London Olympics, the Singapore women team which comprised the same members won the bronze medal, and the issue of "imported stars" was raised again. The public opinion continued to be divided. When Li Jiawei announced her retirement in late 2012 and intended to return to China, the issue of imported stars was raised again.[26] The examples so far mentioned relate to only sports personalities, but there are similar happenings in other fields also. But their not being published in newspapers, etc. has made it difficult to obtain concrete names and figures.

Before conferring citizenship, Singapore often offers foreigners residential status. As permanent residents (PRs) of Singapore, they have all obligations except to vote and be in national service. Nevertheless, PRs

enjoy all the privileges as citizens, except buying first-hand HDB (Housing Development Board) flats which is only given to citizens. School fees, medical subsidies and others were enjoyed equally by both PRs and citizens, until recently. But from 2008, due to complaints and comments by citizens, PRs are expected to pay 20% more than citizens in terms of school/university fees but those already enrolled will not be affected.[27] This minor adjustment is seen to be necessary to differentiate between PRs and citizens. However, migration became an issue during the 2012 general election and the government party lost more seats to the opposition party. After the 2012 General Election, the government further refined the division between PRs and citizens in school fees and medical payments.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Foreign Talent in Singapore

The difficulty of the nation-building process is complicated by the Singapore open door policy and the recent foreign talent policy which actively recruits foreign talent to come and live in Singapore, as their presence and contribution are important for continuing prosperity.

The idea of foreign talent was mooted by the then PM Lee Kuan Yew in the early 1980s. He noted that in the past, non-Singaporean-born talent had uplifted Singapore. However, as Singapore developed, more talents were needed, and while Singapore-trained talent can serve as a core, it is not sufficient. Lee Kuan Yew argued that "our past performance was due to the extra pool of trained talent who had been naturally attracted to Singapore. Unless we set out to attract these extra brains we should not make it into the era of the computers and the robots."[28]

> "If we get these extra brains, in the next 20 years, we shall become a key link in a world-wide network of leading information, financial, and servicing centers, linked to each other by telecomputers, video telephones, jets, and perhaps space shuttles."[29]

The vision of the then Prime Minister Lee posed a challenge to nation-building in Singapore as more foreigners would stay and become Singaporeans. Some would be reluctant to take up Singapore citizenship, while others would demand dual citizenship.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The policy to attract foreign talent to Singapore has been intensified in recent years. When Goh Chok Tong was Prime Minister, he continued to implement the policy. In 2004, when Lee Hsien Loong succeeded Goh to become PM, this policy had been intensified. In the 2006 National Day Rally Speech of PM Lee Hsien Loong, he strongly argued that the Singapore population is declining rapidly due to low birth rates, and migrants are seen to be the important way to fill this gap.[30] Nevertheless, these migrants are foreign talents rather than people who would be burdens to Singapore.[31] He maintained that in the era of globalization when competition is keen, talents are rare commodities which were sought by most countries. Singapore in order to continue to stay on top had no choice but to liberalize immigration. PM Lee appealed to the population to accept new migrants and help them integrate into mainstream Singapore society.

According to some members of parliament, many Singaporeans agreed with the PM's call to welcome more foreigners but there was uneasiness.[32] Debates on the PM's speech continued in the local newspapers, and some even maintained that they appreciated the fact that Singapore requires foreign talents. But when they faced competition from foreign talents or when their positions were threatened by foreign talents, these people became "irrational."

After his 2006 national day speech, PM Lee reiterated that the aim of attracting foreign talent is to benefit Singaporeans and Singapore.[33] He noted that while some "understand and support" the policy, others were worried about the competition posed by foreigners in schools and in work. Some of them commented that Singaporeans voted for the Government and the Government should therefore look after them. Agreeing that it was the Government's job to look after Singaporeans, he nevertheless maintained that

> "But the way to look after Singaporeans is to make sure that there is enough population in Singapore, that the economy can grow, that we have enough people working, that we have businessmen starting new businesses, that there are new entrepreneurs taking new risks, and that we have enough talents in Singapore so that there will be lots of jobs for Singaporeans."[34]

It is interesting to note that the immigration debates focus on the economic benefit rather than social cost. Equally important is the study of social cost incurred in this policy and the possible refinement of such a policy.

It is also worth noting that PM Lee Hsien Loong noted the importance of maintaining contacts with Singaporeans overseas so that they would remember Singapore. This emphasis on maintaining links with overseas Singaporeans making them feel welcome is not new but the point is emphasized in order to strengthen national unity.

Some of foreign talents were encouraged to take up citizenship after working in Singapore for a while, but some felt that they would not repudiate their original citizenship. Some even advocated dual citizenship.[35]

Dual Citizenship in Singapore

Dual citizenship is often discussed again in recent years where many migrant states such as the US, Canada and Australia have introduced the concept. A child who is born in the US, for instance, is an American citizen. He/she cannot repudiate the citizenship unless he serves in a foreign army or holds a crucial political position in another country.

It is interesting to note that the three above-mentioned states are immigrant states and their state histories, if not national histories, are longer than Southeast Asian states. It is debatable whether or not they are really nations but their nation-building history is also longer than the states in this region. In Chapter 2, we discussed briefly that the national unity and national belonging in Southeast Asia's former colonial states were still weak, and nation-building measures were adopted only after independence, which means that at the most, they were only half-a-century old, with some being only a few decades old. Many countries experienced national disunity and separatist movements. Therefore it is understandable that they would like to continue the nation-building process. And citizenship has often been used as the first step towards nation-building.

Singapore has also shared many nation-building problems of Southeast Asian states as it is multi-ethnic and short in national history. However, it

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

is unique that it is a city-state as well as an immigrant state. In the era of globalization, its survival and development, in the view of the government, depends on new immigration and sufficient manpower (especially "talent"). Due to this concept of survival and development, the city-state has welcomed new migrants, first as PRs, and later as citizens. Due to constant migration, it is impossible to build an ethnic nation. Even to build a social nation such as neighbouring countries, it also encountered much difficulty as Singapore is an open city with an open economy. Therefore it has concentrated more on building citizenship rather than nationhood.

Although Singapore has not abandoned the building of nationhood, it has, however, concentrated more on the citizenship-building process. All the citizens are required to have only one citizenship; and male citizens are required to do national service. Due to a shortage of manpower and talent, the government has quite liberally offered citizenship to foreign talents. This was most conspicuous in the realm of the economy/finance and sports. However, since these foreign talents were less obvious in the other fields, the focus of conferring citizenship to foreigners who excel was in sports. The badminton, table tennis and soccer teams of Singapore are full of foreign talents who were later given citizenship in order for them to represent Singapore. In the media, there have been heated debates on these "imported" Singaporeans. Natural-born Singaporeans are divided on the issue, where some are willing to accept "the imports" as Singaporeans while others refuse. This is probably due to the fact that they did not differentiate citizenship from nationhood. Perhaps, for many Singaporeans, citizenship is identical with nationhood.

One of the recent debates was the case of Egmar Goncalves, a Brazilian soccer player who became a Singaporean citizen to represent Singapore.[36] However, two years later, it was revealed that he would return to Brazil. Many Singaporeans were hurt as this was considered to be a disloyal act to Singapore.[37] Since Singapore does not recognize dual citizenship but Brazil does, Egmar Goncalves might eventually give up his Singapore citizenship.

One writer maintains that this is the time for Singapore to introduce dual citizenship.[38] He argued that more than 90 countries in the world

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

allow dual citizenship; therefore, Singapore should also adopt this policy. He maintains that

> "True, dual citizenship once presented problems, especially in wartime. Likened to bigamy, it was maligned as much. But that analogy is now rejected: citizenship is today more like country club membership, attachments that needn't exclude similar affiliations elsewhere.
>
> That's because, today, the highly educated can choose where to live and work. For them, the need for protection against external hordes of invaders has receded and, with that, also the force of citizenship.
>
> For these individuals, the passport is but a travel document. Still, once they have stayed for some time and like it, they become that less likely to uproot again. If giving them a second passport helps them stay, integrate and contribute, dual citizenship might be an option worth considering at some opportune juncture."[39]

On this dual nationality issue, the Singapore government responded. Wong Kan Seng, the then Home Affairs Minister, stated that it would have to consider the issue "very seriously and very carefully," because it wanted "to make sure that those who say they are citizens would do national service."[40] He went on to say that "there will be complications for those who have dual nationalities … when the time comes, when they are needed, the question will be a difficult one for them … It is something that we will always look at, but it is not a decision that has to be taken now."[41] Two years later, the question of dual citizenship was raised again. This is in relation to the PM's 2006 National Day speech where he urged Singaporeans to welcome new immigrants as they are foreign talents and contribute to the wealth and prosperity of Singapore. Again, Wong Kang Seng argued along similar lines.

The debate on dual citizenship never ends. During the new session of parliament in November 2006, Irene Ng, an MP of Tampines Group Representation Constituency (GRC), raised the issue again. She was arguing that "140,000 Singaporeans living overseas, and many of them taking up other citizenship, would be a loss to Singapore if they are discouraged from returning by forcing them to give up their citizenship."[42] She also noted that "as Singapore opens up to foreign talent, she pointed out that immigrants may not be willing to give up their countries of birth, if they have assets and family there." Given these considerations, she asked the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Government to set up a committee to re-look into this. Nevertheless, she also acknowledged that there were concerns about the loyalty of people who hold two citizenships, especially in times of war, but to overcome this, she proposed to fashion Singapore's own definition of dual citizenship with some creative policymaking. It seems that Irene Ng is more concerned with using dual citizenship to attract ex-Singaporeans and new migrants to stay in and contribute to Singapore.

Minister Mentor Lee Kuan Yew also gave his view on the dual nationality issue for Singapore. During the question and answer session at the Citibank Legacies of Leadership dinner on 3 April 2007, he was asked a question on whether Australia and Singapore could have dual citizenship status. He said that "This is a remote question, it depends on the view of the next generation, but I myself do not rule out this possibility. First of all, two countries should hold the same view on their future to build a prosperous world for both Australia and Singapore."[43]

Nevertheless, he noted that "allowing dual citizenship would have serious consequences for Singapore's security, as young men would be able to opt out of National Service."[44] He went on to say: he knew that the present generation of leaders in Singapore was "having to reflect carefully on the consequences to our security, especially the SAF."[45] He did not rule out the change as he could not predict "what the future will force us to do. I was against casinos."[46]

George Yeo, the then Minister for Foreign Affairs, argued that this was not yet the time to introduce dual citizenship to Singaporeans but the government would review the situation every 10 years.[47] He noted that the government in fact has reviewed the case twice but still feels very uncomfortable. Probably ten years later, the government might consider to do it gradually. He mentioned Israel which already introduced a dual citizenship or multi-citizenship for Israel citizens who have completed their national service, but Singapore is unable to do so at the moment. Lim Swee Say, Minister in the Prime Minister's Office, also stated that Singapore is a small state with 3.6 million citizens, and it is unwise to share its small population with other countries. He noted that if "we allow dual citizenship, Singaporeans would give ¼ of this contribution to Singapore while the other country would get ¾."[48] Finally he noted that perhaps by 2030, Singaporeans would "have stronger national identity, and we would then introduce dual citizenship."[49]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

As a matter of fact, the problem of citizenship is a complex one, especially for small states. On the one hand, it is often mixed with the concept of nationhood, on the other hand, the state would like to have a control over its citizens. Nevertheless, with globalization, there is a tendency to regard citizenship as a commodity rather than political loyalty and national identity. As Andy Ho said, this was "merely a passport," as if there is no responsibility and obligation incurred. Many Singaporeans resented this idea as they saw citizenship as sacred and they did not want "new citizens" to stay in the country just to make a living when things are normal; then, when the country is in trouble, they will leave, leaving the poor to defend it. In fact, the introduction of dual citizenship might create a division between "new citizens" and "Singaporeans" rather than unite them together.

Dual citizenship may have a negative impact on nation-building. In the concept of nation-building, a member is expected to be a loyal member of a group called nation, and when there is a conflict between nations, he or she is expected to side with the nation that he or she belongs to. The concept of dual citizenship may challenge the concept of "nation," if citizenship is regarded as the basis of nation-building.

In addition, dual citizenship also tends to benefit major powers than small countries. When a dual citizen (of a major country and a small country, e.g. Singapore) is involved in a legal case in a small state, the major country is likely to get involved on behalf of the person who is her citizen. The involvement of a major power is often seen at the expense of the smaller state. The question of dual citizenship will be discussed in the last chapter.

Concluding Remarks

Singapore is the second youngest independent state in Southeast Asia (after East Timor) and Singapore is in fact still a "state-nation" rather than "nation-state." The nation-building process started officially in 1965 and there is still a long way to go to become a social nation as defined by social scientists. Edwin Lee, a Singapore historian and the author of a recently published book on the Singapore nation,[50] notes

> "Singapore arose as an independent nation from the wreckage of a dream for a greater political union. It was a dream that Lee Kuan Yew held all his young adult life. Lee desperately pursued and Tunku Abdul Rahman

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

> reluctantly agreed to the formation of Malaysia. They had a mutual foe: the communist network in Singapore which Lee could not destroye single-handedly … and which the Tunku … found too close for comfort. But after Malaysia was formed and the communist threat neutralized, the differences from the politics of the two prime ministers came irreconcilably to the fore."[51]

In Edwin Lee's view, this sudden departure of Singapore from Malaysia resulted in the formation of an "unexpected nation."

Linda Lim, a Singapore economist who lives in the US, also writes a thought-provoking article arguing that Singapore is more like a place rather than a nation as it lacks many elements which are required in order to be a nation.[52] She met many Singaporean graduate students in the US and discovered that they treated Singapore as a place to make a good living without any strong emotional ties. She then argues that one of the most crucial components of a nation, i.e. "national identity," is missing:

> " … [N]ational identity … must have an irrational and not just an economically rational component, that is to say, it comes from emotional affiliation rather than pragmatic self-interest. If I choose to become a member of a nation because it gives me a good job and good lifestyle, good education for my children etc., I am really interested in that nation only as a place, and it makes sense if I leave it for another place which can offer me superior conditions and opportunities — the situation of the MBA students and graduates I mentioned."[53]

It is questionable if these graduate students that Linda Lim mentioned can represent Singaporeans. Nevertheless, there is no doubt that Singapore is a very young "unexpected nation." However, the government has been eager to build a nation of Singapore. Initially it tried to build a "homogeneous" nation through the melting pot concept but it appears that this did not work well. It then shifted to use "shared values," but socializing agents such as national school, national service and national party are still used. However, there were are also countermeasures which tended to stress ethnic rather than national identity. Globalization presents another challenge to the rise of a Singapore nation. The pull of China and perhaps India has become stronger than ever before. It may take a longer time for the Singapore nation to emerge, if it will emerge at all!

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Endnotes

1. The Malayan consciousness can be found among the Chinese-educated elite in Singapore. For instance, there was only Malayan Chinese literature (*Mahua wenxue*), no Singapore Chinese literature (*Xinhua wenyi*). The University of Malaya, an English-medium university, was established in Singapore; it was this that was renamed the University of Singapore in 1962. In the late 1950s, I was studying at Nanyang University, a Chinese-medium university in Singapore. The students mainly consisted of the Chinese in Malaya and Singapore but both Chinese students from Singapore and Malaya considered themselves "Ma-lai-ya ren" (People of Malaya). The song that the students sang was "*Wo ai wo de Ma-lai-ya*" (I love my Malaya), adapted from a popular Chinese song. Even the Communist party in Singapore was called Malayan Communist Party.
2. "No Melting Pot, Singapore," 29 January 1995, Associated Press.
3. *Ibid.*
4. "Will Singapore become one tribe?" *Straits Times*, 7 May 1999.
5. *Ibid.*
6. *Ibid.*
7. "PM: Our brightest needed back home," *Straits Times*, 12 May 1999.
8. Madrasah refers to Islamic religious schools. There are six such private full-time schools in Singapore. The curriculum consists of religious (including Arabic) and "secular" subjects. These schools were attended by Malays and strictly speaking, were outside the Singapore national education system. *See* "Madrasah Al-Irsyad Al-Islamiah, Wikipedia (Accessed 10 February 2014); *also* Liao Yufang (Liaw Yock Fang), "Dongnanya de huijiao xuexiao" (Islamic schools in Southeast Asia), *Lianhe Zaobao*, 23 March 2003.
9. In Singapore, the state defines the mother tongue as the language of its ethnic/racial group. Therefore the mother tongue of the Chinese is Mandarin although he or she may not use it.
10. "Old Guard Fighters are National," *Straits Times*, 12 May 1999.
11. White Paper on "Shared Values," Singapore Government Printers, p. 10.
12. *Straits Times*, 11 June 2000.
13. Goh (2013).
14. "Parliament endorses Population White Paper by 77 Votes to 13." Yahoo Newsroom, 8 February 2013 (accessed on 10 February 2014).
15. *Ibid.*

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

16. "Many students identify most strongly with race," *Straits Times*, 11 September 2004.
17. *Ibid.*
18. *See* Aguilar Jr. (1999, pp. 307–336).
19. Chan (2005).
20. Gulam (2002).
21. "Their victory is also ours, says Mah," *Straits Times*, 9 August 2002.
22. Zhou, Feng and Wang (2010).
23. "Xin you tianxia:wei Feng Tianwei er gaoxing" (心游天下: 为冯天薇而高兴), <http://blog.sina.com.cn/s/blog_62b5a67a0100kqvq.html> (accessed on January 2013); Li Qihong (2010).
24. Kok (2010). Reach has since 2008 been roping in young people in Singapore to organize dialogues among their peers.
25. *Ibid*.
26. "Hard for Li to say goodbye," *Straits Times*, 28 December 2012; Ong (2013).
27. "Foreign students to pay $6 to $2,450 more a year," *Straits Times*, 20 December 2006.
28. Lee (1982, pp. 12–25).
29. *Ibid.*, p. 25.
30. "Population: Growing the S'pore Family," *Straits Times*, 22 August 2006.
31. Li Xueying (2006a).
32. Peh and Low (2006).
33. Li Xueying (2006b).
34. *Sunday Times*, 27 August 2006.
35. Ong (2006).
36. Lim (2002).
37. Ho (2004).
38. *Ibid.*
39. *Ibid.*
40. "No Dual Citizenship Yet," *Today*, 15 March 2004.
41. *Today*, 15 March 2004.
42. Low (2006).
43. Hong Yiqing (2007).
44. Lim (2007).
45. *Ibid.*
46. *Ibid.* MM Lee was against casinos but changed his view at the beginning of the 21st century when Singapore faced strong economic competition in the era of globalization. He agreed to the establishment of the Integrated Resorts, including the establishment of casinos.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

47. The statement was made during the 2008 Singapore Review Forum held at the Institute of Policy Studies, National University of Singapore. *See* "2030 nian, shuangchong guoji?" (The year of 2030, dual citizenship?), *Lianhe Zaobao*, 2 February 2008.
48. "2030 nian, shuangchong guoji?" (The year of 2030, dual citizenship?), *Lianhe Zaobao*, 2 February 2008.
49. *Ibid.*
50. Lee (2008).
51. *Ibid.*, p. 533.
52. Lim (2006).
53. *Ibid.*, p. 10.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 8

Indigenism, Islam and Nation-Building in Malaysia

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

There is a dilemma between nation-building on the one hand and indigenism and religion on the other. A nation is supposed to be an integrated entity in which all members are supposed to be equal and no one group of members should have privileges. However, by definition, indigenism offers special rights to the indigenous population. In Malaysia, there have been countless debates between these two concepts, without the problem being resolved. Apart from the constitution, which guaranteed the status of *bumiputra*, mainly Malays, the most explicit manifestation of this concept was none other than the New Economic Policy (NEP) which was introduced between 1970 and 1990. Apart from indigenism, the position of Islam in Malaysia has also complicated the matter, as Islam is used as the "guiding principle" even for national unity, let alone nation-building. Both indigenism and Islam not only push Malaysia into "ethno-nation" rather than "multi-ethnic nation," but also make "Malay dominance" be the cornerstone of the "nation."

The NEP/NDP and Nation-Building

The NEP as an "affirmative action" was introduced after the racial riots in 1969. The riots, which originated in the rising awareness of the Chinese opposition party, were used by the government to restructure Malaysian economy.

As mentioned earlier, there were heated debates on the results of the NEP. There are three groups of views on the results. One view argues that the NEP failed as it continued to divide the Malaysian population and that

the target of 30% for the Malay ownership share was not achieved. Therefore, the NEP should be extended.

The second view was raised by the Chinese who maintained that the target of the NEP was not only achieved but had already been surpassed. The ownership share was more than 30% and hence no more NEP was needed.

The third view argued that the NEP was partially successful as it has indeed created the Malay middle class, which was absent prior to the introduction of the NEP.[1] But contrary to the Chinese view, the Chinese ownership share during the NEP period had also increased tremendously, from 27.2% in 1970 to 45.5% in 1990.[2] Nevertheless, some critics maintained that the less-than-20% ownership share achieved by the Malays concentrated on a few rather than being distributed among poor Malays.[3] However, continuation of the NEP might not be very useful as prolonged discrimination against one ethnic group would eventually give rise to ethnic antagonism.

The NEP clearly stated that the *bumiputra* would be favoured over the non-*bumiputra* in educational and economic fields. This controversial policy was modified, if not abandoned, after 1990. It was replaced by the National Development Policy (NDP), which continued the spirit of the NEP but did not follow the details of the previous policy. For one thing, there was no target or date to be realized.[4] The change was due to a number of reasons, the increasing democratization and globalization were certainly two crucial factors. In the democratic era, to discriminate one ethnic group by law is against the democratic principle and the Malaysian government claimed to follow the democratic principle. Globalization has forced Malaysia to restructure its economy, and to make it more effective, a strictly race-based economy and business would undermine the viability of the Malaysian economy.

As mentioned earlier, one of the objectives of the NEP was to increase the *bumiputra* (Malay) equity holdings. Before the implementation of the NEP, the *bumiputra* (read: Malay) equity holding was only 2.4%, but by 1990, which was the end of the NEP, it increased to 18.7% according to the official figures but the Chinese source maintained that it, in fact, had achieved the target of 30%, if not more. It is worth noting that the data on Malays' equity has been questioned by the MCA

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

recently. Datuk Chua Jui Meng, a senior MCA leader, during the debate on a new affirmative action policy for Malays asked, "if it is possible that Malay ownership of equity holdings stood still at 18.7% in the last 20 years."[5] He suggested that there should be a committee to investigate the matter.

In October 2006, the Asian Strategy and Leadership Institute (ASLI), a Kuala Lumpur think tank, released new findings which refuted the government claim. Unlike the Economic Planning Unit's (EPU) method which took in the 620,000 companies registered in Malaysia, excluding GLCs, ASLI surveyed 1,000 companies on the stock exchange, including government-linked companies (GLCs), as GLCs now played an important role, and were controlled by the Malays. By including the GLCs, the data changed dramatically. The ASLI survey also used the market values of the shares, rather than their par or nominal values, for the simple reason that "it is market value that actually denotes the value of a company."[6] Using this method, the study concluded that the *bumiputra*s own 45% of the business equity in Malaysia, but it was rejected by Prime Minister Abdullah Badawi who argued that "the calculation should be based on the par value of the share" and that the GLCs should not be included as "their revenues will be handed over to the government to be saved for use by the people and the country."[7] Insofar as the government was concerned, the *bumiputra* share is still 18.9%, still far below the 30% target. The debate was stopped by the government and ASLI was forced to withdraw the report resulting in the resignation of the director of the Institute.

The Dilemma of Indigenism

Dr. Mahathir Mohamad prior to stepping down as Prime Minister in September 2003 argued that he was disappointed with the Malay community whose mindsets he was unable to change, i.e. to rely on the government protection and would not be able to be independent from special privileges. It has been at least 33 years since the implementation of the NEP and NDP, but indigenism is still upheld. Nevertheless, Malay leaders are aware of the danger. If they abandon indigenism, they would lose the support of the Malays, but if they continue to stick to the concept,

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

the Malays would continue to rely on government handouts and this would discourage them from competing with the other races on an equal footing. Moreover, it might alienate the non-indigenous population and affect economic performance as well as national unity.

It is not surprising that soon after Abdullah Badawi assumed Prime Minister-ship on 31 October 2003, he also addressed this issue. At the United Malays National Organisation (UMNO) general assembly in September 2004, Abdullah called for a "'mental revolution' for *bumiputras* to shed their reliance on government help and be competitive."[8] He noted that the marketplace of products and ideas has changed. "If we fail to hone the competitive skills of the race, we will eventually become a defeated race. Malays will always be looked down upon."[9] He also explained that,

> "Political strength cannot endure if it is not rooted strongly in the mastery of knowledge, skills, economy and science and technology. Malay political strength can easily be defeated if it does not possess strong foundations. It can be sold to the highest bidder."[10]

The dilemma cannot be easily solved. Nevertheless, the concept of indigenism is still very popular among the *bumiputra*s (Malays) and hence it will not be forsaken in the foreseeable future as it has been ingrained in their psyche.

In fact, in July 2005, UMNO Youth proposed the revival of the NEP since the Malay equity not yet achieved insofar as the government was concerned: It remained at 18.7% as it was in 1983! MCA disagreed with the reintroduction of a new affirmative policy. There was a debate between Khairy Jamaluddin, son-in-law of Abdullah Badawi and deputy president of UMNO Youth, and veteran MCA leader Datuk Chua Jui Meng, who was the contender for the MCA president's post in the August 2005 party election. Datuk Chua stated that, "people want to know why the leakage was so excessive that the Malays did not move forward even one inch in 20 years."[11] Datuk Chua was reported to have said: "there is no need for a new policy because the spirit of the NEP was never lost. It was accommodated in subsequent policies, and the cabinet was always fully conscious of the Malay agenda."[12]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Position of Islam

Islam is the "religion of the Federation of Malaysia," which has a special position in the constitution. Nevertheless, the Malaysian constitution guarantees religious freedom for all Malaysians. According to the recent census, in Malaysia today, Muslims form 60.4% of the population, 19.2% Buddhists, 9.1% Christians, 6.3% Hindus, and 2.1% practise Chinese religions. In reality, Malaysia is a multi-religious society. To promote cross religious understanding and religious harmony, in 1983, Malaysian NGOs established an interfaith council where members represent only Buddhism, Christianity, Hinduism and Sikhism as Muslims refused to join it.[13]

In 2003, there was an attempt on the part of the Malaysian Bar Council to establish an interfaith commission, which was meant to promote religious harmony. The chairman of the steering committee argued that the formation of such a committee was "part of the challenge of establishing a mature, liberal, and accepting society in which Malaysians of all colours and creeds are free to practice and profess their customs, cultures and religious beliefs."[14] On 24 and 25 February, the preparatory committee held a congress for the formation of the interfaith commission; 40 NGOs and religious organizations participated in the meeting but Muslim organizations boycotted it. Apparently, the Muslims felt that Islam had a special position in Malaysia, and non-Muslims should not discuss matters relating to Islam and Muslims.[15]

The supreme position of Islam in the Malaysian constitution does not make Malaysia an Islamic state. It is well known that Malaysia intended to spread "Islamic values" in Malaysia and immediately after Mahathir assumed premiership in 1981, he started the "Islamization" of Malaysia. Nevertheless, he did not argue that Malaysia was an Islamic State until shortly after the 911 terrorist attacks in 2001 when he declared Malaysia to be an Islamic State. His assertion that Malaysia had been an Islamic state since 1957 resulted in a negative reaction from the non-Malays. But the debate was later suppressed, even though the non-Muslim communities became alarmed by the creeping of Islamization in Malaysia.[16] In July 2007, Najib Razak, the then Deputy Prime Minister, made a remark to a reporter that "Malaysia is an Islamic state" and that "it has never been

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

secular." Again, the statement sparked an uproar among the non-Muslims. Non-Muslim parties, including UMNO's junior partner MCA, commented on the remark. They stated that Malaysia is a secular state, using historical documents which show that Malaysia is secular.[17] Again, the government instructed the press not to carry out the debate anymore.

In fact, the constitution of Malaysia stipulates that "Islam is the religion of the Federation," by the definition in Political Science, it is a "Muslim state" rather than an "Islamic state." Usually, states with Muslim majority populations are divided into three types:[18] "secular state," referring to a state without any official religion (e.g. Indonesia), "Muslim state," referring to a state with Islam as the official religion, and "Islamic state" referring to a state which uses Syariah (or Islamic Law) as the law of the land (e.g. Saudi Arabia). Although Malaysia from the political scientist perspective is not an "Islamic state," there is no doubt that the position of Islam is more equal than other religions in the country.

One of the recent unresolved problems is the "freedom to change religion" as stated in the United Nations Charter, which Malaysia has not signed. According to the local practice, if not regulations, once a Malaysian has been converted to Islam, he/she will remain a Muslim. This practice has recently been challenged as many Chinese and Indians who became Muslims when they married Muslims and were unable to leave the religion when they were divorced. This has created tension between the Islamic and non-Islamic communities in Malaysia and the problem has not been resolved. Nevertheless, in reality, there were cases where Chinese and Indian converts who eventually were allowed to be reconverted to their original religions, but these were special cases. One of the examples was the Siti Fatimah Tan Abdullah of Penang, a Muslim convert, who was allowed by the Penang Syariah Hight Court to renounce Islam and revert to her original faith (Buddhism).[19] While it was welcome by the liberal-minded individuals, it was opposed by the vice president of the Parti Islam SeMalaysia (PAS), Nasharudin Mat Isa who said that "renouncing Islam was forbidden, unless one had been forced to embrace Islam under duress." He was also quoted as saying: "If one has embraced Islam out of one's own free will, then one has to be subject (sic) to Islamic law, and the law forbids the renouncing of Islam because it touches on one's faith in the religion."[20]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Core of the Malaysian Nation

The problems of nation-building in Malaysia are many, and the concept of a Malaysian nation also changes from period to period. Nevertheless, it appears that two elements, indigenism and Islam have become the important components. It appears that the Malays, who are now the majority and the rulers, will not accept any elements which are not in accordance with the indigenous status and Islamic principles interpreted by the Malays.

The earlier slogan of *Satu Bangsa, Satu Bahasa, dan Satu Agama* (One nation, one language and one religion) was used in the 1970s and 1980s, but it did not spell out that the religion is Islam, contrary to what many non-Muslims thought. Due to its ambiguity and controversial interpretation, the slogan was quietly abandoned later.

Examining the Malaysian national cultures and the core of the nation, it is clear that it centres on both Malay and Islam. The "core" of the Malaysian culture is Malay and Islam. Non-Malay/Non-Islamic culture can be accepted only if they did not come into conflict with the core, i.e. Malay and Islam.

A few examples can be used for illustration:

In 1969, the then Deputy Prime Minister of Malaysia, Tun Abdul Razak noted, that Malaysian culture should be based on the culture of the indigenous people (i.e. The Malays). At the First National Culture Congress in 1971, a resolution was passed stating that Malaysian national culture would be based on the indigenous culture which was defined as Malay culture.[21] The non-Malays were critical of this definition and tried to resist its imposition on them. Two examples can be used to illustrate the conflict between the national culture (based on Malay culture) and non-Malay culture. The first example is the dispute of the Technology University of Malaysia authorities, requiring that male graduates wear a graduation gown with a *songkok* (*peci*) type hat for the convocation in 1978.[22] Ethnic Chinese graduates refused to wear the Malay-type convocation dress and boycotted the convocation. As a result, the university decided to delay introducing this ruling.

The second example is the debate about the lion dance, which is often performed by the Chinese. Some Malay leaders wanted to "Malay-ize"

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

the dance and insisted that the lion should be replaced by a tiger.[23] The Chinese were very upset because in the Chinese culture, the tiger is the symbol of evil. Discussion on the topic was eventually discontinued.

In the early 1980s, when Anwar Ibrahim became the Minister of Culture, Youth and Sports, the question of national culture became the topic of discussion again. He said that the Malaysian culture should be based on Malay culture but that there was also a role for other cultures to play.[24] He conducted a dialogue with various Chinese associations and assured them that it was not the intention of the Malaysian government to assimilate the Chinese into the Malay population. The Chinese associations submitted a memorandum suggesting that the most appropriate culture for Malaysia was multi-racial rather than mono-racial in nature. Each racial group should respect other racial groups in order to achieve political stability and social harmony.[25] It seems that the Malay population is unlikely to give in to the Chinese on this issue.

Indigenism is not confined to the cultural domain, and more importantly, it is in the political domain, in which the Malays as "sons of the soil" should be recognized as the "Master" of Malaysia (*Ketuanan Melayu*), and this is manifested through Malay political dominance in the Malay political party, i.e. UMNO. This notion was initiated from the beginning of Malayan independence but became clearer after the 13 May 1969 riot in which the Malay elites felt that their dominant position was being challenged. The Malay political dominance, or political supremacy, was firmly established after Tunku Abdul Rahman was ousted and this concept was reiterated by UMNO leaders in many occasions, the most direct was by Abdullah Ahmad in 1986 when he gave a speech at the seminar organized by the Singapore's Institute of International Affairs (SIIA), the speech and other relevant documents being later published in book form.[26] Abdullah Ahmad put forward the old argument that the Malays are *tuan rumah* (Malay words for Host or Master of the House) and therefore they should play the host role. Other races should accept this dominant position.

The third example was the discussion on the *Melayu Baru* (New Malay) and Bangsa Malaysia as proposed by Dr. Mahathir in the 1990s. On 28 February 1991, Dr. Mahathir made a speech to the UMNO congress, proposing the creation of the *Melayu Baru* (new Malay) in order to

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

realize his 2020 vision (in Malay: *Wawasan 2020*). He maintained that these new Malays arise from old Malay background but are able "to join the highest ranks of the *bumiputra* commercial and industrial community."[27] For Mahathir, these people are the best examples of the Malays who are "capable of meeting all challenges, able to compete without assistance, learned and knowledgeable, sophisticated, honest, disciplined, trustworthy, and competent."[28] These are the true New Malays who will lead Malaysia to the future.

In 1995, four years after his New Malay concept, Mahathir proposed the concept of *Bangsa Malaysia* (Malaysian nation), in which he maintained that those people in Malaysia who speak Malay and accepted the Malaysian Constitution are members of "bangsa Malaysia." It was in this concept that the non-Malay was included, but he did not explain the position of these non-Malays within the Bangsa Malaysia.

Indeed, the concept of bangsa Malaysia or Malaysian nation has been ambiguous. The term bangsa and race have often been used interchangeably. In reality, Malaysia has three "races," which are Bangsa Melayu, Bangsa Cina and Bangsa India. The Malaysian social structure and political system are based on "race," major political parties are racial-based. When Mahathir talked about Bangsa Malaysia, he was referring to a future nation based on multiple racial groups, not only the Malay. But one year after his Bangsa Malaysia concept, Dr. Mahathir continued to refer to the Malay as "my nation" (*Bangsaku*). It is revealing to look at the poetry that Mahathir composed during the event organized by the Utusan Melayu group, the Culture, Arts and Tourism Ministry, and Dewan Bahasa dan Pustaka, in May 1996. In the poem titled *Perjuangan yang belum selesai* (An unfinished struggle), he conveys that the struggle of *bangsaku* was far from over. It was very clear that he used the term to refer to the Malay race rather than the Malaysian nation. (See *New Sunday Times*, 1996; *Sunday Star*, 5 May 1996.)

The following is a part of the poem, showing his reference to the Melaka Empire and the Islamic religion.

Bukankah sejak zaman berzaman, (Wasn't it from era to era,)
Mereka menjadi pelaut, pengembara (they were sailors, adventurers)
Malah penakluk terkemuka? (or even famous conquerors?)

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Bukankah mereka sudah mengembangkan sayap (Didn't they expand their wings)
Menjadi pedagang dan peniaga (to become traders and businessmen)
Selain menjadi ulama dan ilmuwan terbilang? (besides being famous ulamas and scholars?)

Despite efforts made by the government to build a united Malaysian nation, as late as 2006, the ethnic ("racial") feelings of Malaysians remain very strong, if not stronger than before. A scholar of Islam, Associate Professor Patricia Martinez of the University of Malaya, conducted a nation-wide survey on religious and national identity among the Malays in Malaysia recently. She discovered that over 70% of 1,000 Malays surveyed said that they viewed themselves as Muslims first, Malaysian second and Malays third.[29] Why was there an increase in religious identity among the Malaysian Malays? Professor Martinez maintains that "Islam became the defining element of Malay identity after other Malaysians adopted such aspects of Malay culture as food, dress and language."[30] In other words, Malay ethnic identity is now expressed much more strongly in its Islamic identity.

It is the logical conclusion of a deeply divided society where the whole society is based on ethnic groups and a Malaysian Malay is defined in terms of a Muslim. Malays would not separate ethnic identity from religious identity, as if there is no conflict between these two identities. But what will happen when there is a conflict? In theory, Islam should prevail over ethnicity. In reality, it may not. Nevertheless, the increase in religiosity among the Malays caused concern in the multi-religious and multi-ethnic Malaysia. People are afraid of religious radicalism. The Malay-dominated government is in a dilemma as UMNO and PAS, both Malay-based parties compete with each other to be "more Islamic" in order to gain Malay votes. As a result, the nation-building process in Malaysia has been affected.

It is imperative to note that ethnic rivalry in Malaysia did not decline after Dr. Mahathir stepped down. Dr. Mahathir who criticized Prime Minister Abdullah and challenged his leadership brought about tension between the Malay-based UMNO and the Chinese community. Khairy Jamaluddin, Abdullah's son-in-law who was the deputy head of UMNO Youth, noted that the split within the Malays would only benefit the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chinese. His provocative remarks resulted in strong protest from the Chinese community which asked Khairy Jamaluddin to apologize, but he did not.

Ethnic conflict in Malaysia has been under control even though ethnic tension continues to be hidden. As long as politicians do not politicize non-political issues, ethnic tension is subdued and stability is maintained. Nevertheless, in 2007, there were Malay cabinet ministers and members of parliament (MPs) who became emotional when speaking of Malay culture and education. Some even showed their *keris* (Malay dagger) when speaking, which received hostile reactions from the non-Malay MPs. The latter, particularly the Chinese MPs, considered the Malay actions as aggressive and provocative while the Malays claimed they were merely practising their customs. Fortunately this show of force was later discontinued.

Towards the end of 2007, especially in relation to the demolition of their temples, there was also a new and unexpected development in West Malaysia. Some Malaysian Indians organized themselves to demonstrate against the Malay-dominated government. The Malaysian Indians claimed that they were marginalized because of ethnic and religious discrimination and demanded that the government redress their legitimate grievances. Hindraf (Hindu Rights Action Force)[31] organized a gathering of some 30,000 Indians in the streets of Kuala Lumpur on 25 November, which the government deemed illegal. The police used tear gas and water cannons to disperse the crowd. The government eventually used the Internal Security Act (ISA) to detain five top leaders of Hindraf on 13 December. The government claimed that the Hindraf demonstration happened because of the impending general election and the demonstration was nothing but an election ploy. However many believe that the demonstration has a more deeply rooted cause which lies in the Malaysian political system.[32]

Soon after Najib Razak became Prime Minister in April 2009, he issued a concept of "1Malaysia" (One Malaysia) in order to unite multi-ethnic and multi-religious Malaysia.[33] He maintains that "1Malaysia is a concept to foster unity in Malaysians of all races based on several important values which should become the practice of every Malaysian."[34] It did not aim at assimilating various ethnic groups but it is different from the concept of "Malaysian Malaysia" in that the concept of 1Malaysia

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

"does not deviate from the essence of the Federal Constitution."[35] In other words, the clauses in the Constitution regarding the special position of the Malay and Islam still remain. It appears that he is advocating a sort of value integration based on the existing structure.

Najib at one time was reportedly "trying to get his cabinet to drop the requirement for Malaysians to state their race in official documents"[36] in order to promote national unity. Of course it is very unlikely that the Malays would accept this as the acceptance would have a serious ramification on the Malay Dominance concept. In fact, the concept of *Ketuanan Melayu* (Malay dominance) has never gone away in Malaysian politics. The most recent example was the May 2013 election when the ruling Barisan Nasional (National Front) led by UMNO received 46.87% of the popular vote but obtained 59.91% of the seat, while the Pakatan Rakyat (People's Coalition) received 50.85% of the vote but only obtained 40.09% of the seats.[37] Apart from the split within the Malay group, most importantly is that the absolute majority of the non-Malay votes (namely Chinese and Indians) went to opposition parties. Dr. Mahathir blamed "ungrateful Chinese and greedy Malays" for Barisan Nasional's (BN) worst performance, while *Utusan Melayu* (UMNO's paper) focused on the "ungrateful Chinese" for the BN "defeat."[38] Najib also came out to defend *Utusan Melayu*'s comments. The UMNO leaders saw this as a challenge to the Malay dominance and quickly announced new steps to help Malays rather than the Chinese in order to gain the former's support. The Affirmative Action in the economic field was reiterated.[39]

Malaysian Nation as Defined by the State

How did Malaysia define its nation? To get the answer, we can look at the national symbols, national institutions and national education and language of Malaysia.

Malaysia (formed in 1963) was based on the Federation of Malaya, which was first established in 1957. Various national symbols, national institutions and national language/education were based on those created during the Federation of Malaya.

The national symbols of Malaysia, which include the national flag, national anthem and national language, are all related to Malay culture

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

and religion. The Malaysian flag known as *Jalur Gemilang* ("Stripes of Glory") consists of a crescent and a 14-point star, the crescent is the symbol of Islam, while the 14-point star signifies Malay rulers. The lyrics of the national anthem *Negaraku* (my country) are in Malay praising God and the king who is a Malay. The national language is Malay, which is called *Bahasa Melayu* (Malay language). During the Mahathir administration, the name was changed to *Bahasa Malaysia* (Malaysian language) to make the language less "ethnic" but was later reversed. The religion of the Federation is Islam, which is the religion of the Malays. It is worth noting that generally in every official function, even in international academic conferences held in Malaysia, an Islamic religious sermon is usually offered.

National institutions such as schools are divided into national schools and vernacular schools whose existence is allowed under the constitution. The Malay language is taught as a compulsory subject in all schools, both national and vernacular. National political parties are also based on ethnic groups. Their national army and police also comprise mixed ethnic groups but are overwhelmingly dominated by the Malays. However, there is also a prestigious and powerful Royal Malay Regiment, where composition is exclusively ethnic Malay. All of this is derived from the concept of indigenism, and the concept of a Malaysian nation is an extension, if not a reflection, of this indigenism.

"Malay" Nation-State vs. "Multi-Ethnic" Nation-State

Cheah Boon Kheng, a Malaysian historian in his recent book[40] argues that from 1945 to 1957, the Malays, represented by Tunku Abdul Rahman, considered Malaya as a "Malay" nation-state. But in the process of nation-building, it has become a "multi-ethnic" nation-state with Malay dominance. Nevertheless, he maintains that Malay nationalists continue to regard Malaysia as a Malay nation-state while non-Malays regard Malaysia as a "multi-ethnic" and "plural" nation-state. Apparently there are still two visions of Malaysian nations.

Regardless of this division, Cheah maintains that the fact remains that "apart from language and education, the government's policies have been

aimed at accommodation of non-Malays in the short term and at integration over a longer period."[41] However, he agrees with R.S. Milne and Diane K. Mauzy that this integration would not be "to the extent of making non-Malays drastically alter their way of life or alter their cultural heritage," and that "[in] the Borneo states integration was to be even more gradual."[42]

Cheah also correctly points out that

> "although Malaysia nation is a Malay base, but the ethnic and political boundaries are transcended by a Malaysian consciousness and Malaysian nationalism that consists of a *nucleus* [my emphasis] of Malay Nationalism enclosed by the idea of a partnership embracing Malays, Chinese, Indians and the natives of the Borneo states of Sarawak and Sabah."[43]

Concluding Remarks

Malaysia is a nation in the making. Many in fact argue that Malaysia consists of three "nations"; others prefer to call them three racial groups or ethnic groups. Among these three ethnic groups, the Malays felt that they did not control the country wealth and resources although political power is mainly in their hands, hence the NEP. The government argued that the target of the NEP was not achieved and NDP was introduced to continue this process.

Ethnicity has been the cornerstone of the Malaysian state, and the populations have been accustomed to think in terms of ethnicity rather than "nation" or "class." The ethnicity-based political structure has become the major stumbling block for the development of a united Malaysian nation. The ethnic feeling has never faded away. On the contrary, it has grown stronger than ever over the past 50 years of Malaysia's independence. The most recent Indian protest gathering can be seen as a good indicator.

Nevertheless, the Malaysian government has embarked upon the nation-building process in order to promote national unity which has been slow. It has also been complicated by indigenism (including the concept of Malay dominance) and Islam. The so-called Malaysian nation is also shadowed by these elements, presenting a great challenge to the emergence of a united nation.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Endnotes

1. Embong (2002); Chandra Muzaffar also noted that the NEP has generated 40% of the Malay middle class which is very significant. *See* Muzaffar (2012, p. 62); Saravanamuttu (2002, pp. 335–358).
2. Chin (2008, p. 295).
3. Mehmet (1988). (The book was originally published by Croom Helm in 1986.)
4. Ho (1992, pp. 204–227).
5. Hong (2005).
6. Hong (2006a).
7. *Ibid.*
8. Ahmad (2004).
9. Abdullah's speech, as quoted by Ahmad (2004).
10. *Ibid.*
11. Hong (2006a).
12. *Ibid.*
13. Deng (2005).
14. Cited in Ooi (2005).
15. Deng (2005).
16. For instance, "several local authorities set dress codes for people visiting government buildings, including a ban on sleeveless blouses. Others sometimes send snoop squads to check on the behaviour of couples in parks — issuing fines to both Muslims and non-Muslims alike … And non-Muslims find it hard to get permission to build churches or temples. Islamic law has also crept into the affairs of non-Muslims after the civil courts began to refuse to hear inter-religious disputes." Hong (2007).
17. Hong (2007); *also* "Historical documents show Malaysia is secular, says MCA," *Straits Times*, 21 July 2007.
18. For a discussion of these three types of states, *see* Esposito (1984), especially p. 54.
19. The Siti Fatimah case is interesting. Siti Fatimah is a hawker who is Chinese. A Buddhist by name Tan Ean Huang, she converted to Islam in 1998 "in order to marry an Iranian named Ferdoun Ashanian in 1999 but had not practised its teachings." She also said that "Ferdoun left her after their marriage and she had no knowledge of his whereabouts." As she was no longer with Ferdoun and since she had not practised Islam, she eventually filed an application to the Syariah High Court in May 2006 to be reverted to her original faith. *See* Dielenberg (2008), front page. The MCA hailed the court

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

decision, calling it "a historic decision" and "a major step for a progressive, multi-racial and multi-cultural Malaysia." *See* "MCA hails court decision," *The Star*, 9 May 2008, p. N12.

20. "MCA hails court decision," *The Star*, 9 May 2008, p. N12.
21. Wan (1983, p. 88).
22. *Songkok* is a Malay hat (*peci* is an Indonesian term for the same thing). For the reports on the controversy, *see Straits Times*, 28 September 1978 and 6–7 October, 1978.
23. Then the Minister of Culture, Youth and Sports, Datuk Abdsul Samad Idris, made this statement in an interview. *See* "Kebudayaan kita dan pengaruh asing," *Dewan Masyarakat*, 15 August 1979. For a detailed discussion on the Malaysian culture defined by the Malays, *see* the same issue of *Dewan Masyarakat*.
24. *Lianhe Zaobao*, 30 September 1983.
25. *Ibid.*
26. Das (1987).
27. Cited in Khoo (1995, pp. 337–338).
28. *Ibid.*, p. 338.
29. Hong (2006b).
30. *Ibid.*
31. The Hindu Rights Action Force (Hindraf) was a Malaysian Indian NGO, many of its leaders were lawyers. It was officially banned in 2008.
32. Ramasamy (2007).
33. "National Unity Ultimate Objective of 1Malaysia, Says Najib," Bernama.com, <http://www.bernama.com/bernama/v3/news_lite.php?id=418020> (accessed on January 2013); Muzaffar (2012, pp. 62, 111–116).
34. "National Unity Ultimate Objective of 1Malaysia, Says Najib," Bernama.com.
35. *Ibid*.
36. Ooi (2009), republished in 2010, pp. 72–74.
37. Lee (2014, p. 56).
38. *The Malaysian Insider*, 7 May 2013 (accessed on 8 February 2014).
39. Grudgings (2013).
40. Cheah (2002).
41. *Ibid*, p. 233.
42. Cited in Cheah, *Malaysia: The Making of a Nation,* p. 233.
43. *Ibid*.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 9

Ethnicity, Religion and Nation-Building in Indonesia

Indonesian leaders, represented by Sukarno and Hatta, declared the country's independence on 17 August 1945 but the actual transfer of power from the Dutch to the Indonesians took place only in December 1949. Nevertheless, the nation-building process started during the nationalist movement when Indonesians of various ethnic groups led by Western-educated indigenous intellectuals attempted to get rid of the Dutch and establish a new "nation-state" along the Dutch East Indies boundaries. All the Indonesian nationalist symbols were created during the nationalist movement: national language, national anthem and national flag. Nevertheless, one needs to note that there were at least two types of nationalist movements: secular and Islamic, but the secular movement appeared to be on the upper hand, and therefore the concept of the Indonesian nation was more secular than Islamic even though Indonesia is approximately 88% Muslim.

It should also be pointed out that the nation-building process in Indonesia has not been smooth. Ethnic and Islamic feelings have been strong and in the earlier period of the Republic, there were a number of rebellions, with some having strong ethnic characters while others not "purely" ethnic, nevertheless displaying the shadow of ethnicity. This chapter attempts to examine the policy regarding nation-building over the last 60 years or so and the challenges faced by the national government.

Early Ethnic Conflicts: Challenge to the Indonesian Nation

The Indonesian nationalists proclaimed Indonesia's Independence in 1945. It was followed by the Indonesia–Dutch armed conflict up to 1949 when the Dutch eventually agreed to transfer political power to the Indonesians. The form of the Indonesian state was at first federal, which would cater to different regional/ethnic interests. However, a few ethnic groups rebelled against the central government to establish a separate state free from Indonesia. The most serious incident was in South Moluccas, the homeland of the Christian Ambonese.[1] In April 1950, Soumokil, the former Justice Minister of the Dutch-created "East Indonesia" state, with the support of the regional executive council of the area, proclaimed the Republic of the South Moluccas (Republik Maluku Selatan or RMS).

The rebellion enjoyed a great measure of local support, but it was eventually quelled by the central government headed by Sukarno (Javanese) and Hatta (Minangkabau). The military solution was definitely instrumental in crushing the rebellion. However, there were other factors which contributed to the failure of RMS. Many South Moluccans had family members in other parts of Indonesia and the rebellion was associated with the Dutch. In the eyes of the Indonesian nationalists, this was a Dutch plot rather than the genuine desire of local people. After the rebellion, Indonesia became a unitary state which gave more power to the central government in Jakarta.

The second rebellion took place in Aceh, a strongly Islamic area.[2] The Acehnese saw the Indonesian republic as a Javanese and Minangkabau-dominated state. Aceh was not politically integrated into Indonesia. Communications with the nationalists in Java were weak. Aceh in fact had more communications with the Middle East. Initially Aceh was made a province, but in 1951 the provincial status was abolished, accompanied by the downgrading of the Acehnese leaders, disbanding of Military Division X which was the predominantly Acehnese unit of the Indonesian army and suspension of the right of direct trade with Singapore and Penang, which impacted Acehnese revenues. The local leader, Daud Beureueh, started a movement of autonomy but in 1953, it developed into a separatist movement. He proclaimed Aceh an Islamic state. His troops held many urban

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

centres until 1954. However, the rebellion eventually failed. The government employed soft and hard strategies: it restored the provincial status of Aceh and appointed an Acehnese as the governor. Using strong military operations and the divide-and-rule policy among the Acehnese, the rebellion was eventually crushed.

The third rebellion involved the West Irian Independent Movement called the Free Papua Movement. Unlike the two earlier movements, the Free Papua Movement is more recent and smaller in scale. Therefore, it has not yet developed into a major threat.[3]

It is clear that the central government did not hesitate to resort to military means to maintain territorial integrity. However, the fact that there were so few separatist movements since the formation of the Republic of Indonesia cannot be solely explained in terms of the government's control and suppression. Moderate government policy and a certain degree of national integration are two contributing factors which should not be overlooked.

In order to hold various ethnic groups together and integrate them into a new form of political unit called Indonesia, the Indonesian nationalists have introduced a broad-based policy of national integration. The motto "unity in diversity" (*Bhinneka Tunggal Ika*) allows the ethnic minorities to retain a large degree of cultural autonomy. However, there is also an integrating force which forces the minorities to join the major stream through the national schools and national institutions.[4] The popularization of national symbols and national ideology, *Pancasila*, is also aimed at integrating Indonesian society. At one time, during the Sukarno era, the government had also used the creation of an external *konfrontasi* threat in order to unite the people.

Let us examine the above measures adopted by the government in order to show how successful they were. The measures will be examined against a historical background because many of these measures are not of recent creation. They are the products of Indonesian historical development.

National Language and Education

The national language policy is crucial in creating Indonesian unity and Indonesian national identity. Indonesia is perhaps the only Southeast Asian state which has adopted a minority language as the national language

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

(*bahasa nasional*). The Indonesian national language was formerly known as Malay, a minority language originating in Palembang (Sumatra) and Banka in the 7th century. It was later used as the *lingua franca* for various ethnic groups in the archipelago and the medium of communication in marketplaces for various ethnic Indonesians and foreigners. The language was accepted by the Indonesian nationalists prior to Indonesia's independence due partly to its simplicity, partly to its non-controversial status. Javanese, the language of the major ethnic group, was not even considered, simply because it was not used by non-Javanese. In addition, the Javanese language was considered very complicated, and different social classes used different kinds of speech. The acceptance by the Javanese of Malay as the Indonesian language also shows that the Javanese leaders are far-sighted, pragmatic, and are tolerant of other ethnic groups.[5] Therefore, Indonesia did not have the language problem faced by other new states like Malaysia.

The Indonesian national language was first popularized in the nationalist press during Indonesia's independence movement; it was further spread and developed during the Japanese occupation. All major newspapers, radio and TV broadcasts have been in the national language. Of the 358 newspapers published in Indonesia during 1965–1967, only three were published in Indonesian ethnic languages.[6] In Medan, for instance, there were three Batak-owned newspapers, but all of them were in the Indonesian language. The publishers claimed that the Bataks in Medan would not buy a newspaper published in the Batak language.[7]

After independence, all state schools in Indonesia used the national language. However, ethnic languages can still be taught in local schools until the third grade, after that all education is in Indonesian. A leading historian has argued that:

> "Such institutionalised universal use of this language in a vast multi-ethnic society 'nationalised' the generation that was going to school; their own local culture and language continued to be transmitted to them, but now the process occurred within a national cultural framework."[8]

The popularization of the Indonesian language was evident but it by no means replaced ethnic languages.[9] According to some observers, the use of the Indonesian language was more popular in urban rather than

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

rural areas.[10] In most cases, urban dwellers (particularly in non-Javanese areas) tended to be bilingual, with Indonesian as the dominant tongue. In rural areas, however, it seemed that ethnic languages were still widely used. A study surveying Indonesian school children from primary to junior middle school level shows that only 26% of the students used Bahasa Indonesia at home.[11] In fact, there is a revival of ethnic languages in some areas. For instance, at a language conference in Jakarta held in the mid-1970s, some prominent Sundanese proposed that all government servants assigned to West Java be proficient in Sundanese so that they might better serve the villagers.[12] However, no one has suggested that the use of ethnic languages should be at the expense of the national language.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

National Symbols

The acceptance of the Indonesian language by the nationalist leaders before and after World War II has helped to develop the Indonesian language as the unifying language (*bahasa persatuan*). At that time, the term "national language" (*bahasa nasional*) was not yet used to refer to Bahasa Indonesia. As early as 1928, during the second Indonesian Youth Congress in Jakarta, the "secular" young Indonesian nationalists from various regions succeeded in formulating the well-known *Sumpah Pemuda* or the Youth Pledge, declaring that they were Indonesians (*bangsa Indonesia*), had a unifying language,[13] that is, the Indonesian language (*bahasa Indonesia*), and had one motherland which was Indonesia. Following this expression of nationalism, a national song and a national flag were adopted. Some Islamic organizations refused to sign the pledge because the nationalism advocated by the nationalists was a "secular" one.[14] However, after the war it appears that they quietly accepted these national symbols, with the exception of those radical Muslims who were attempting to establish an Islamic state.

National Institutions

A national party system has also been used to integrate various groups into Indonesian society. During the parliamentary democracy period (1950–1958), Indonesian political parties were multi-ethnic in nature. The four

major parties, the Partai Nasional Indonesia (PNI), the Partai Komunis Indonesia (PKI), Masyumi and Nahdlahtul Ulama (NU), were national in their following although not without regional and ethnic preferences. In other words, there were no ethnic parties. In the Batak region, for instance, the majority of the Batak people participated in national parties. It was also true that there was a considerable measure of ethnic identification with particular parties: North Tapanuli Batak with Parkindo (Christian Party), South Tapanuli Batak with Masyumi, and the Javanese, although more divided in their partisan loyalties, with the PNI.[15] Of the four Batak communities, only the Simalungun Bataks failed to support a national party. The popular participation in national parties rather than a local ethnic party is an indication that people were beginning to think in terms of a nation-state rather than a local ethnic group.

During the era of the Guided Democracy (1959–1965), national political parties (with the exception of the PKI) ceased to play previously vital roles. Opposition parties to Sukarno, Masyumi and the PSI were banned. Sukarno introduced the concept of *Nasakom* (nationalism, religion and communism), attempting to unify various different political forces, but without success. Conflict between the pro-communists (including the secular nationalists and the communists) and the anti-communists (including the Islamic nationalists and the army) escalated and culminated in physical strife after the downfall of Sukarno in 1966. The much-talked-about massacre after the 1965 coup in Java was basically a conflict between the Javanese *santris* and Javanese *abangan* rather than ethnic strife.[16] Nevertheless, there were also brief conflicts between the local Chinese and indigenous Indonesians, but the nature appeared to be more ideological than ethnic as many Chinese Indonesians were branded as "communist-sympathizers."

It should be noted that ethnic animosity among the native Indonesians was overwhelmed by the struggle between *santri* Muslims and the army on the one hand and non-Muslims, *abangan* Muslims and the pro-communists group on the other. After the eradication of the communists, the army and the *abangan* Muslims were united against the *santri* Muslims.

The New Order (1966–1998) which emerged after the fall of Sukarno continued to be concerned with "national integration." After the 1971 general elections, the Suharto government fused the nine existing

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

parties into two new ones: The Partai Demokrasi Indonesia (PDI, a fusion of secular nationalist parties and Christian parties); and the Partai Persatuan Pembangunan (PPP, a fusion of Islamic parties). With the government-sponsored and military-dominated Golkar (The Functional Group), Indonesia then had only three multi-ethnic parties, of which Golkar was the dominant one. Regardless of the government's intention to reduce the number of political parties, the "simplification" measures can also be interpreted as a means to integrate diversified forces which were more national in character. Indeed, to make Indonesian political parties more national, the government introduced a law in 1984 which required all political organizations to subscribe to the *Pancasila* ideology as the only organizational base.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Pancasila

Pancasila means "five principles," and was a required subject in school even during the Sukarno era. First formulated by Sukarno, it stresses five elements supposed to be common to all Indonesian ethnic groups. The first principle, "Belief in One God" (without specifying a particular belief) was aimed at embracing all religious Indonesians. However, it also denies a special position for Islam, reflecting the *abangan* vision of an Indonesian state and culture. The last three principles — Humanism, Social Justice and Democracy — are ideas vaguely shared by all ethnic groups. After the downfall of Sukarno, the teaching of *Pancasila* in school was intensified. Furthermore, between 1978 and 1998, the government established an institution to instill the *Pancasila* ideology, making it a requirement for all civil servants and businessmen to take the course and pass the examination.

In the view of the Suharto government, *Pancasila* meant religious pluralism. Under the umbrella of *Pancasila*, religious freedom was guaranteed. However, it subjected Islam to *Pancasila*. This was opposed by many *santri* Muslims who felt that *Pancasila* should be subjected to Islam. The *Pancasila* ideology attempts to separate Islam as a religion from Islam as a political force. While the government tolerated and even encouraged Islam as a religion (as evidenced in its sponsorship in building mosques and assisting Islamic boarding schools), it suppressed political Islam.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

It is worth noting that *santri* Muslims' disagreement with "religious pluralism" is evidence of their opposition to the proposal of *Pancasila* as the Indonesian ideology during both the Sukarno and Suharto eras. When Sukarno was in power, *santri* parties opposed *Pancasila*; this resulted in the dissolution of the Constituent Assembly in 1959. During the New Order period, when *Pancasila* became the sole ideology, there was both peaceful and violent opposition. The Tanjung Priok affair in 1984 and the subsequent bombings were closely related to the *Pancasila* issue. However, unlike the Sukarno era, Indonesia under Suharto succeeded in making *Pancasila* the predominant ideology. Even the Islamic party, the PPP, was required to drop Islam as the ideological foundation of the party and profess *Pancasila*.

The idea of *Pancasila* reflected the more flexible culture of the *abangan* rather than the rigid culture of *santri*. Some people argued that in fact, the government was promoting the *abangan* culture and was using it as a model for the development of Indonesian culture. *Santri* Muslims continued to criticize although the Suharto government was able to force the population at large to accept *Pancasila*.[17]

The defendant of the *Pancasila* ideology has been the Indonesian military which is dominated by the *abangan* group. The military as an institution also serves as a means to integrate Indonesian society. The Indonesian armed forces, despite Javanese domination, are multi-ethnic in their composition. All ethnic groups have been included in the military and no special division which consists of only one ethnic group has been created.

However, the ideology of *Pancasila* began to be questioned towards the end of Suharto's New Order, and after the fall of Suharto in 1998, *Pancasila* no longer had the monopoly of the state ideology. Political parties based on Islam, not *Pancasila*, emerged like "mushrooms after rain." In the 1999 elections, for instance, more than 20 out of 48 parties which participated in the general elections were Islamic Parties; in the 2004 general election, 5 out of 24 parties were Islamic Parties. Political Islam becomes respectable and its development is often at the expense of the *Pancasila* ideology.[18]

This early tendency is rather misleading as *Pancasila* is still the ideology of major political parties after the fall of Suharto. Golkar and PDI-P

(Partai Demokrasi Indonesia Perjuangan) are still based on *Pancasila*, other Muslim-based parties still use *Pancasila* as the ideology of their parties: PKB (Partai Kebangkitan Bangsa) and PAN (Partai Amanat Nasional) are two examples. Many have realized that if *Pancasila* is replaced by Islam, the young Indonesian nation is likely to break up.

If *Pancasila* was the only ideology used to unite the country after the fall of Suharto, in addition to *Pancasila*, there are three other ideological pillars which the MPR (*Majelis Permusyawaratan Rakyat*), which is the Peoples' Consultative Assembly of Indonesia, has been eager to promote, namely UUD 1945 (The 1945 Constitution), the concept of the Indonesian Unitary State (NKRI or Negara Kesatuan Republik Indonesia) and Unity in Diversity (Bhinneka Tunggal Ika). The PDI-P, the political party led by Megawati, would like to socialize these ideological pillars but some Islamic parties disagreed with the concept of Unitary State and preferred some sort of federation. In other words, these ideological pillars have not been accepted fully by many political parties.[19]

Transmigration and National Disintegration

Another measure adopted by the central government to promote national integration is transmigration (*transmigrasi*) which is also aimed at reducing the population pressure in Java and opening the Outer Islands to development. In fact, transmigration was introduced before the New Order, but the programme was strengthened after 1968. During the period 1969–1974, the government transmigrated 40,000 families to the same areas, and during the period 1979–1982, the government planned to transmigrate 500,000 families.[20] Increased contacts between different ethnic groups are believed to promote social communication and hence generate a sense of belonging to the Indonesian "nation-state." But there was contradicting evidence, although it was by no means strong, that transmigration strengthened ethnic identity as shown by the animosity and jealousy of the local people towards recent Javanese/Madurese migrants who were perceived by the former as being better off. In fact, towards the end of the New Order, ethnic strife took place in the Outer Islands. Ethnic tension in some areas had become more common than before.[21]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

East Timor and National Disintegration

In 1975, Indonesia invaded East Timor and annexed it in the following year. This created a major problem for Indonesia later as Jakarta wanted to integrate East Timor by force. East Timorese were temporarily defeated but opposition to Indonesia never disappeared completely. The harsh rule of the Indonesian military eventually encountered more fierce resistance, resulting in the eventual departure of East Timor after 22 years of Indonesian occupation. This was after the fall of Suharto when Indonesia was in chaos and the central government headed by President Habibie was weak.

It is worth noting that the post-Suharto era has released ethnic and regional forces, and Indonesia has been facing the challenge of national disintegration. Ethnicity has been reflected in the form of either ethnic demonstrations and ethnic parties or separatist movements. When Habibie succeeded Suharto as President, he thought that things were still under control: ethnic challenges were confined to East Timor, Irian Jaya (now Papua) and Aceh. In fact, the problem of East Timor was serious as this was the latest addition to the Republic and post-Cold War developments favoured self-determination. Indonesian presence was not accepted by many East Timorese. Demonstrations and riots in 1992 and 1996 received international attention and the Suharto regime was severely criticized for human rights violation.

In 1996, two East Timorese, Bishop Carlos Filipe Ximenez Belo and José Ramos-Horta, each received the Nobel Peace Prize, highlighting the importance of the East Timor issue. After the fall of Suharto, opposition leader Sri Bintang Pamungkas proposed that East Timor become independent. This was rejected by President Habibie. Clashes and demonstrations continued and UN peacekeeping forces led by Australian troops moved in and under pressure, Habibie finally agreed to have a referendum on the independence of East Timor. The referendum confirmed the desire of the East Timorese to leave the Republic of Indonesia. Many maintained that this marked the disintegration of Republic of Indonesia.

However, if we look at the East Timor situation, it is clear that unlike other Indonesian territories, which were the territories of the Dutch East Indies, East Timor was a Portuguese colony and its annexation by Jakarta

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

was never recognized by the United Nations. Therefore the situation was different from Irian Jaya (Papua) and Aceh.

Resistance Movement in Irian Jaya (Papua)

The problems in Aceh and Irian Jaya are not new. At one time they were under control but harsh military rule during the New Order era resulted in worsening situations. In 1996, the Free Papua Organization (FPO) kidnapped 26 hostages, many of them Western tourists. They were later rescued by the Indonesian Special Forces. Ethno-nationalism dies hard; the Papuans made use of the "Reform" era and the weak position of Jakarta to demonstrate their resistance against Indonesian rule. In early July 1996, the protesters hoisted the separatist Papuan flag. One person was killed by the police. Over the next few days, more flag-hoisting events took place resulting in conflicts between Papuans and the police. Up to seven Papuans were killed. At the moment, the separatist movement is still under control.

In fact, towards the end of his presidency, Habibie initiated a major reform in regional administration as reflected in the two laws that he issued in May 1999 regarding the regulations and laws of regional autonomy.[22] However, these two laws have many ambiguities which required further refinement. Some considered that these laws were meant to pacify the regional ethnic nationalism but others argued that in reality they gave rise to minority ethnic nationalism. Regional ethnic identity becomes stronger threatening the national unity of Indonesia. Some regional ethnic groups demanded to change the state structure from the unitary system to a federal state system but the central government refused to budge.[23] The central government feared that a federal system would further strengthen the regional and ethnic identity and it would become the stepping stone for eventual independence.

Aceh's Rebellion and the Peace Treaty[24]

The development in Aceh after the fall of Suharto was more promising. The post-Suharto government was eager to resolve the problem and peace agreements were signed between the government and the rebel group.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

On 9 December 2002, the Indonesian government and the representative of the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) eventually signed a peace agreement, known as the Cessation of Hostilities Agreement, in Geneva. Unlike the previous peace agreements, many hailed this as a "landmark," as foreign powers, including the US, were also eager to see that the agreement worked and Indonesia would become more stable.

The peace treaty, which aimed at ending hostilities and hence conflict, included an immediate end of hostility between the Indonesian government and GAM; immediate ceasefire and gradual disarming of GAM, and gradual withdrawal of the Indonesian military from Aceh. The process would be monitored by foreign and domestic observers. A 150-strong monitor team would oversee the implementation of the peace treaty. Less than 24 hours after the signing, some of the foreign monitors had arrived at Banda Aceh.

Why another peace treaty this time? The situation after the Bali Bombings on 12 October 2002 no longer favoured GAM. In fact, since September 11, GAM was already under pressure of being labeled as a terrorist group. In the general atmosphere of anti-terrorism, GAM had no choice but to return to the negotiating table. The international community, especially the US, was also willing to play a more active role in mediating the conflict in Aceh. It was reported that the retired US marine general, Anthony Zinni, was "instrumental" in bringing about the signing of the peace treaty. As for the Megawati government, it also saw this as a good opportunity to end the bloody and long-drawn conflict. According to one source, Susilo Bambang Yudhoyono was very eager to resolve this conflict during his term as the Co-ordinating Minister for Security Affairs.[25] Last but not the least, the Acehnese in general were tired of bloody clashes and longed for peace.

Nevertheless, would this peace treaty work? Examining the history of Aceh, this has always been the stronghold of Islam and had a record of fighting the central government, whether it was the Dutch Colonial government or the Indonesian government.

Nevertheless, it was not true that the Acehnese have never considered themselves as "Indonesians." During the Indonesian independence movement, the Acehnese actively supported the movement, and when Indonesia

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

declared independence in 1945, Aceh was included without any uproar. The rebellions started only in 1953 when the central government introduced a new policy, abolishing the autonomous province of Aceh, stopping the free trade between Aceh and its neighbours, and dissolving the Acehnese-dominated division of the military. However, the rebellion was crushed and the leader, Daud Beureueh, surrendered. There was peace for a while until 1976, when an Acehnese aristocrat and western educated businessman, Hasan M. di Tiro, formed GAM, the Free Aceh Movement.

However, there was no significant support for this movement. Benedict Anderson, a Cornell-based scholar, noted earlier that people did not take GAM seriously. Indeed, the movement was initially insignificant. It only became significant after the introduction of the military operation zone (DOM) in 1989 when the Suharto regime became more repressive. The military repression started in East Timor, and spread to Aceh and Irian Jaya (now Papua). During the ten-year period of DOM, the central government policy was brutal. In the name of crushing the rebels, many innocent people, including women and children were slaughtered. Equally important, was the uneven distribution of revenues. The oil- and gas-rich Aceh did not benefit the local population. The central government took almost all the revenues, leaving a meagre sum to the Acehnese. Corruption and the influx of non-Acehnese in the province also deepened the Acehnese grievances. After Suharto was overthrown and the authority of the central government further declined, GAM used the opportunity to expand its influence. The rise of Islam, especially militant Islam, also gave it a boost. But the situation changed after the fall of Suharto.

By 2002, both sides had come to realize that they would not be able to win by using force. However, GAM had many factions and there were groups, which would have preferred to continue to fight. But these groups were smaller in number. On the Indonesian side, there were also generals who wanted to continue the war, but it seems that they were not yet the mainstream. In fact, the group led by Susilo Bambang Yudhoyono (SBY) wanted to have peace provided that GAM abandoned its separatist objective. The Megawati government had changed its policy towards Aceh. Megawati had signed a law granting Aceh a special status, and even allowing Aceh to practice syariah law. The new law also allocates 70% of

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Aceh's natural resources proceeds in the province while the central government gets 30%. This should appease the Acehnese. Nevertheless, the real peace agreement was only signed on 15 August 2005, after SBY became president and Jusuf Kalla Vice President.[26] One of the major reasons was the December 2004 tsunami which wiped out a large part of Aceh. According to the treaty, Aceh would be given a special broad autonomy. The government troops would be withdrawn in exchange of GAM's disarmament. Local political parties to represent Acehnese interests were allowed, and in December 2006, an election was held and the ex-GAM leader Irwandi Jusuf was elected provincial governor. Nevertheless, this unique model for ethnic conflict resolution may not be applicable to other provinces as it may affect both the political and economic situation of the country.

"New Measures" of Nation-Building

In the post-Suharto era, nation-building has not yet been abandoned. The Indonesian leadership is aware that "national unity" is under threat but not much has been done. For one thing, there is no new measure which has been introduced to promote nation-building. Some even question the vitality of the Indonesian state: will the Indonesian state break up? Aceh and Papua are still perceived to have problems but Aceh appears to have been pacified, at least temporarily. But the same thing cannot be said about Papua. Other provinces do not have ethnic separatist movements with the possible exception of Riau where ethnic tension has been high.[27] Does it mean that Indonesian nation-building in reality has been quite successful?

It should be mentioned that the Indonesian nation during the Suharto era was defined in terms of an indigenous nation. The ethnic Chinese did not have a place in this nation unless they completely abandoned their ethnic Chinese identity. However, the fall of Suharto has seen a change in the concept of an Indonesian nation. Multi-culturalism is accepted and the ethnic Chinese are recognized as an integral part of the nation, at least in theory. Under this circumstance, some Chinese Indonesians feel that there is a future for their community in this young secular republic.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Concluding Remarks

Indonesia became an independent state only after 17 August 1945. Prior to this date, there was Indonesian nationalism which aimed at eliminating the Dutch and establishing an Indonesian nation based on the Dutch colonial boundaries. (Portuguese East Timor was an exception, but it left Indonesia after the fall of Suharto.)

The first phase of nation-building, i.e. state-building, was not smooth as some ethnic regions intended to leave the young republic. However, the central government eventually managed to hold the country together, using the military and other means. Nation-building measures have been adopted — national education, national ideology, national symbols and national institutions — and these measures have achieved considerable success. Even the assimilationist policy towards the ethnic Chinese made ethnic Chinese more Indonesian, at least linguistically.

However, the ethnic hegemonic policy and uneven distribution of state revenues tended to de-stabilize the situation. The military means to solve ethnic and economic issues have also contributed to chaos in the country. When Suharto was forced to step down, the Indonesian "nation-state" encountered a lot of problems. The rise of ethnicity and radical Islam following globalization directly challenged the Indonesian nation-building process. Nevertheless, with the exception of a few provinces, it appears that an Indonesian nation-state is likely to survive in the foreseeable future. But Ruth McVey, a leading scholar on Indonesian political history, has a slightly different view on the post-Suharto era. She noted in 2003 that

> "A hundred years ago Indonesians stood at an ideological crossroads, seeing the fading of familiar hierarchies and uncertain whether and on what terms they should join the alien world of the modern nation state. At present they face similar dilemma, but this time they have no model to contemplate. Their crisis is shared, if generally less spectacularly, by the major countries of the world. So far they have experienced little more than a general sense of malaise, of the ideological ground shifting underfoot. Perhaps it is only a passing tremor, and Indonesia's current problems may come to be seen as the travails of a transition from authoritarianism to some more representative rule. However, should it be the beginning of a larger revolution in the role of conception of the state, the results will be earth shaking indeed."[28]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

However, Taufik Abdullah, a leading Indonesian historian, who has just published a book on Indonesian nation-building argues that nation-building "is a journey that knew no end."[29] He also has a more optimistic view on the post-Suharto Indonesian nation in the era of globalization. He writes:

> "Now, after Indonesia has passed through all kinds of social and political experiences — some, quite promising, while others very disappointing — it has grown into an adult nation that may still make mistakes, but in the process, it also gained some wisdom. In time to come, Indonesia may again recover its almost forgotten creative responses to new and unprecedented challenges."[30]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Endnotes

1. On the study of the Moluccas rebellion, *see* Feith (1962, pp. 55–71); *also* Leirissa (1975), especially pp. 174–201.
2. For a comprehensive study on the Acehnese rebellion, *see* Sjamsuddin (1985).
3. For a study of the Irian (Papuan) separatist movement, *see* Osborne (1985). For a more recent study by Indonesian scholars, *see* Mashad and Bakti (1999, pp. 175–232).
4. *See* Suryadinata (1976, pp. 209–234).
5. Montolalu and Suryadinata (2007, pp. 39–50).
6. Paget (1967, pp. 170–210). The three newspapers published in Indonesian ethnic languages were *Sipatahoenan* (Sundanese daily, Bandung), *Sipatahoenan* weekly, also in Bandung, and *Kalawharthi Merdika* (*Javanese weekly* in Jakarta).
7. Brunner (1972, p. 27).
8. Steinberg, ed. (1971, p. 403).
9. As late as 1990, 15% of the Indonesian people use Bahasa Indonesia daily, 67% of the Indonesian people do not use Bahasa Indonesia daily although they understand the language. But 17% do not understand Bahasa Indonesia. *See* Montolalu and Suryadinata, *op. cit.*, p. 47.
10. Personal observation; *see also Kompas*, November 2, 1971, on the use of Bahasa Indonesia at home among indigenous and non-indigenous Indonesians.
11. The data was collected in 1971. *See* Mani (1980, p. 143).
12. Information supplied by a Sundanese scholar.

13. On this subject, *see* Suryadinata (1978), especially pp. 108–109.
14. *See* Suryadinata (1998) especially p. 59.
15. Liddle (1970, p. 189).
16. Geertz (1972, pp. 62–84).
17. For a fuller discussion on the subject, *see* Suryadinata (1986, pp. 35–52).
18. *Ibid.*, pp. 48–49.
19. "Negara Kesatuan ataukah Negara Persatuan?" *Sinar Harapan*, 12 June 2013.
20. For the period 1969–1974, *see* "Variasi Transmigrasi," *Tempo*, 13 July 1974, p. 8. For the period 1978/1979–1981/1982, Dasar (1984, p. 63).
21. For an interesting report, *see* "Bukan Menyebar Kemiskinan, Bukan?" *Tempo*, 13 July 1974, pp. 6–8.
22. Haris *et al.* (1999); Nasution *et al*. (1999); Bell (2001); Crouch (2000, p. 126).
23. Nasution *et al.* (1999).
24. This section is based largely on my article, "Will there be peace in Aceh?" *Straits Times*, 12 December 2012.
25. The person who did the job was Jusuf Kalla who later became SBY's vice-president Jusuf Kala, *see* Husain (2007, pp. 3–4).
26. "Aceh rebels sign peace agreement," BBC News, 15 August 2005, <http://news.bbc.co.uk/2/hi/asia-pacific/4151980.stm> (accessed on 9 January 2013).
27. Zuhro (1999, pp. 111–174).
28. McVey (2003, p. 24).
29. Abdullah (2009, p. 517).
30. *Ibid.*, p. 570.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 10

The Philippines and Thailand: Ethnicity and Islam in Nation-Building

Both the Philippines and Thailand are multi-ethnic and multi-religious states. They have faced similar problems in their nation-building process. One of the problems is their attempts in unifying their Muslim counterparts in the south into the respective "nation." Both governments used a similar integrationist strategy, i.e. to integrate them into their respective mainstream society. In the Philippines, it is a Christian-dominated society while in Thailand, it is a Buddhist-dominated constitutional monarchy. The forced integration eventually resulted in violent responses from the respective Muslim communities.

Nevertheless, due to the differences in their historical experiences and population compositions, the responses of the two Muslim minorities have not been the same. This chapter will briefly address the Philippine and Thai nation-building policies towards their Muslim minorities after World War II, with some older historical background. In the process of examining each government policy, one immediately notices that in fact, in the deeply divided societies, when the nation-building process was initiated by the central government, it also triggered the nation-building process for the minority groups. The latter gradually imitated the dominant group and started its own nation-building process. However, the process was much later compared to the dominant group in their respective country. Also unlike the earlier wave of the Southeast Asian nationalist movements in which the main target was the Westerners, this time, these "nationalists" were faced by their own Asian counterparts.

The Philippines

The population of The Philippines is about 92 million, which consists of 140 ethnic groups, the largest being Tagalog, Iloco, Ilocano and Cebuano. These groups are Christians and they form an absolute majority (about 92.5%, see Table A.7 in Appendix A), while the Muslims constitute about 5%, mainly concentrated in the south. There has been competition among these ethnic groups for power and influence in the government. When Ferdinand Marcos, who was an Ilocano, was in power, he gained major support from his own region. When Mrs. Corazon Aquino became president, she had problems in dealing with the Ilocanos, because many Ilocanos refused to believe that Marcos was corrupt and wanted Marcos to return. Nevertheless, the conflict has been more conspicuous between Christian Filipinos and Muslim Filipinos. War has been waged since the colonial era. During the Marcos period, conflict was intensified. Marcos, who wanted to stay in power beyond two terms, appeared to intensify many conflicts which led to the declaration of Martial Law. One of the conflicts was with the Muslims. According to one interpretation, he sought to use the military means to resolve the problem in the south which proved to be a failure.

Historical Legacy

In the 15th century before the coming of the West, Islam began to infiltrate into the Malay archipelagos and start the Islamization process. However, one hundred years later, Western colonizers/colonialists began to move into Southeast Asia. In the case of the Philippines, the Spaniards colonized and Christianized the northern part of the Philippines, which also stopped the process of Islamization in the mid-16th century, pushing the Muslims to Mindanao, Sulu and Brunei. However, the Spaniards continued to move forward to colonize the rest of the Philippines but encountered stiff resistance from the Muslims, who were called "Moros" by the Spaniards. The so-called Moro Wars took place but the Spanish colonial government failed to fully control the whole region. When the Americans defeated the Spaniards and became the new masters of the Philippines (1898–1945), they negotiated with the Muslim traditional leaders and went into treaties, rendered assistance and began to develop the area, and

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

eventually established their sovereignty over the Muslim areas, later known as the Moro land. During the American period, Christian Filipinos from the north were encouraged to settle in the south and the Filipino Constabulary who replaced the Americans behaved like an occupation troops, creating friction with the local population. After the American colonial era ended, the Philippine government continued the American policy and consolidated its control over the Muslim region and gradually integrated the south into the "mainstream" of Philippine society. In the view of the Muslims, this was a Christianization process.

Post-Independent Policy

Soon after gaining independence from the US after World War II, the Philippine government launched an integration policy. Various agencies were established to "foster integration," the major ones being the Commission on National Integration (CNI) and The Presidential Assistance for National Minorities (PANAMIN).[1] It was argued that actions of the independent Philippine Government corroborated Muslim fears. Astri Suhrke and Lela Noble argue: "Muslims were granted exemptions from Philippine Law having to do with marriage and divorce, but the exemptions were deliberately legislated as temporary. Christians dominated the national government and non-elected offices in Muslim areas, and the government encouraged Christian migration to Mindanao."[2] As a result of the Christian migration to the south, the composition of the population changed. By the 1970s, there were 13 provinces which were identified as the Muslim areas or the Moro land, but 8 of the 13 provinces were overwhelmingly non-Muslim.[3]

It should be noted that Filipino Muslims are not a homogeneous group. In the course of history, they have interacted with non-Muslim Filipinos and have also been culturally influenced by non-Muslims. Some of them have even moved away from the Muslim areas, which are largely rural, to urban areas, which are largely non-Muslim. Some have also received Filipino/Western education and are fluent in Tagalog and Western languages. In terms of their Islamic practices, there are also differences among the Muslims as a result of these interactions. Some are stricter in their religious beliefs while others have been influenced by *adat* (customs). Unfortunately, I have not been able to conduct a detailed study

on the subject, and the statistics about the various groups of these Muslims are not available to me either. However, it seems that the different educational and residential statuses might affect their political and other views. Nevertheless, Muslim scholar Cesar Adib Majul maintains that when it comes to religion, "Muslims in the Philippines all consider themselves Muslims and identify with each other."[4]

In addition to the above differences, the Muslims in the south are not a homogeneous group either. They can be divided into Maguindanao, Maranaos, Iranun, Tausugs, Samals, Yakans and others. However, these different ethnic groups, because of the government policy have had a tendency to unite. They refer to themselves as Moros and they are conscious of their identity. This consciousness continued to grow in the 1950s and the 1960s, but at that time they did not have an influential organization which could champion their cause. Only in 1969 was a radical organization called the Moro National Liberation Front (MNLF) formed;[5] then the situation changed. The founding leader of the MNLF was Nur Misuari, who was originally with a student group linked to the Maoist New People's Army but which soon left as the Maoist group was not concerned with Muslim interests.[6] Astri Suhrke and Lela Noble maintain that the MNLF had a new kind of leadership which was different from previous organizations: "generally educated in universities in the Philippines or the Middle East, self-consciously Muslim rather than Maranao, Tausug or Samals; and committed to change in the distribution of wealth and power."[7] It was under the leadership of the MNLF, local fighting between Christians and Muslims developed into a full-scale war, especially after the 1972 martial law. In 1973, this was the height of MNLF power. It had between 15,000 and 20,000 armed men associated with it and became a major challenge to the Marcos administration.[8] The armed wing of the MNLF was called Bangsa Moro Army. Nur Misuari considered the Filipinos to be colonizers who occupied the Moro Land, Moros were fighting to free themselves from the "Filipino Colonizers."

MNLF and MILF

It should be noted that the Muslim problem became serious during the Marcos era, especially during the Martial Law period. Ferdinand Marcos

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

who was elected as the president of the Philippines for a second term, and also his last term, declared martial law because of domestic upheaval. He himself then continued to stay as the president. Many argued that he created the dangerous situation in order to remain in power. It appeared that Marcos initially intended to resolve the Muslim conflict in the south by using a military solution rather than a political one. Troops were sent in order to defeat the insurgents. But when he failed to get rid of the MNLF army, he decided to negotiate with the MNLF. In 1974, the MNLF unilaterally announced the establishment of the Bangsamoro Republik (Republic of the Moro Nation), but the Philippine government did not recognize the existence of such a republic. Therefore in 1975 with the good office of Qaddafi of Libya, the Philippine government negotiated with the MNLF, not the Bangsamoro Republik. On 23 December 1976, an agreement was signed in Tripoli, granting autonomy of 13 provinces of the Muslim areas.[9]

In this agreement, it granted autonomy to these areas and the establishment of the Syariah court for Muslims as well as the maintenance of the regional security forces. But the implementation of the agreement was problematic. On many issues, Marcos wanted to have a plebiscite but as most of the population in these provinces are inhabited by the Christians, any plebiscite would only favour the Christians. Conflict later occurred again. The subsequent governments continued to negotiate with the MNLF which eventually reached peaceful agreement between the Philippine Government and MNLF, at first in 1987 with President Cory Aquino and later in 1996 with President Fidel Ramos.[10] However, the radical and more Islamic elements within the MNLF disagreed with Nur Misuari. The group led by Arab-trained Salamat Hashim established his own Moro Islamic Liberation Front (MILF) and continued to fight the government. While the Nur Misuari's MNLF and his army were incorporated into the system, the MILF remained outside the system and continued to fight the central government.

Although MILF derives from MNLF, it is more Islamic-leaning and more radical in its position. It never tried to mask its objective of attaining independence for the Moro land. Nevertheless, as the organization is still weak, therefore negotiations to have "genuine autonomy" with the Philippine government are on the card.[11] It would also like to expose the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

ill intentions of the central government in the process of the negotiations.[12] It claimed to have controlled only one-fifth of the Moro land, "mainly in the countryside and highland covered by the thick jungles."[13] The MILF continued to stress that the Filipinos still occupied the Moro land and wanted to free the land from "the Filipino colonizers." Nevertheless, it would use "Jihad and peaceful means" to achieve the objective. Therefore it agreed to negotiate with the Philippine authorities. However, its splinter group, the Abu Sayyaf faction, refused and has been considered by the US and the Philippines government as a terrorist group.

The Emergence of a New Nation

It is interesting to note that this is the first time in the history of Philippine Muslims that they refer to themselves as Moro, and the nation that they are building is Bangsa Moro. Moro as noted earlier was a Spanish term for Moor or Muslim, it had a derogatory connotation until the 1950s and even in the 1960s.[14] The term was disliked by the Muslims in the south. However, Nur Misuari and his MNLF adopted this Spanish word and made it into the name of the new nation; it was combined with a Sanskrit word Bangsa, an equivalent of the word "nation" which has now been used by the Malay. There is no doubt that this concept of "Bangsa Moro" only emerged after the formation of the MNLF. The concept of Bangsamoro (two words written jointly) only took place in March 1974 in the "Manifesto on the establishment of the Bangsa Moro Republik" signed by Nur Misuari as the chairman of the Central Committee of the MNLF.[15] Bangsamoro has then become the official name of the new Moro nation. It should be pointed out that earlier, in the "Manifesto of the Mindanao Independence Movement" in May 1968, which proclaimed the establishment of the Republic of Mindanao and Sulu,[16] there was no mention of either Bangsa or Moro. From the Moro nationalist point of view, the Philippines consists of two nations: Filipinos (who are Christians) and Moro (who are Muslims). Although the term Moro has become more popular after the emergence of the MNLF, not all Muslims in the Philippines identified themselves with the term. Those who do not subscribe to the ideology of MNLF or MILF still use Filipino Muslims or Muslims in the Philippines.[17] This means that Filipinos

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

include both Christians and Muslims. Those who used the term "Filipino Muslims" were moderates who were represented by Cesar Adib Majul, the dean of the Institute of Islamic Studies at the University of the Philippines and Mamintal Tamano, former senator who was an attorney. Nevertheless, they were critical of Marcos' authoritarian rule.

However, the MNLF was not a homogeneous group. The faction led by Nur Misuari was most dominant. Its political ideology was also the most secular and modern as he himself was influenced by Marxism/Socialism and Western education. Because of him, the name of the organization does not have the word "Islam." The second influential faction was led by Salamat Hashim who is more religiously inclined but at the beginning he was unable to match Misuari. There were two other smaller factions which were less significant. As noted earlier, the Salamat Hashim faction later split with Nur Misuari and formed a more Islamic and dogmatic organization, the MILF, which later took the limelight away from the Nur Misuari MNLF and tended to dominate the movement.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Thailand

Thailand has a total population of 66 million, of which about 94.6% are Buddhists, while Muslims constitute about 5% of the population (See Table A.9 in Appendix A). Thailand was never colonized but its national boundary was affected by Western colonial expansion. To preserve the independence of the Kingdom of Siam, in 1909, the government gave up four southern provinces (Perlis, Kedah, Terengganu and Kelantan) which were predominantly inhabited by the Malay Muslims to the British while four other "Malay provinces" (i.e. Satun, Patani, Narathiwat, and Yala) were still under the Thai administration.

The Patani sultanate (1516–1902)[18] at one time was paying tribute to the Siamese kingdom but was annexed by Siam in 1902. The Malay prince and royalty were replaced by the Thai bureaucrats and Patani was finally incorporated into the Thai kingdom.[19] Protests and rebellions against the Thai authorities led by traditional leaders emerged but were later pacified. The Thai authorities however, attempted to relieve some of the Muslim grievances. Soon after the 1932 Revolution, there was an attempt to involve the Muslims in the local government. The Muslims participated

and many Muslims became the heads of the provinces.[20] However, after the military government came to power, Muslim participation was drastically reduced. The Thai authorities forced the Malay Muslims to accept Thai language and culture. In 1939, the Malay language was outlawed and Malay Muslim practices were prohibited.[21] More laws and regulations were promulgated to make Muslims accept Thai culture. The Muslims (especially those in Patani) were resentful and began to openly resist the Thai assimilation policy. Between 1944 and 1948, the civilian government of Pridi attempted to pacify the Muslims by introducing the Patronage of Islam Act of 1945, acknowledging Muslims as Thai people, and the king would serve as the patron of Buddhism and Islam. It also suggested the formation of the "Central Committee of Thailand" and provincial Islamic committee to handle Muslim affairs.[22] In 1947, Hajji Sulong Abdul Kadir, the head of the Patani Provincial Islamic Council, organized Muslim scholars and launched an autonomous movement, asking for independence in their local affairs and legal system, not a separate State; they wanted to have an autonomous region.[23] The Thai civilian government made some concessions but when the Phibul military government (1948–1957) returned, the assimilation policy was reintroduced, giving rise to the Malay Muslim independent movements.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Intensification of Integration/Assimilation Policies

The military rule during Thanom and Sarit administrations (1957–1973) continued the integration/assimilation policy, forcing the Malay Muslims to join the mainstream of Thai society, offering the Malay Muslims the opportunity to learn Thai by establishing private schools to educate the children of Malay Muslims. The policy threatened the existence of traditional *pondok* schools and their religious teachers (Tok Guru). Many Malay Muslims refused to learn the Thai language, which was considered as the language of the "enemy." These Malay Muslims sent their children to Malaysia and Indonesia for "Malay" and Islamic education, some even sent their children to the Middle East. It is important to note that not all Malay Muslims in the south rejected private schools where the Thai language was offered. Some Malay Muslims seized the opportunity to obtain better education. Many tried to adjust to the Thai system and managed to

survive and even entered Thai bureaucracy and politics. Some even gained a Ph.D. from a local or western university. One of the examples was Surin Pitsuwan, the former foreign minister of Thailand and later the chairman of the ASEAN General Secretariat representing the Thai government. Apart from Surin, there are Chaiwat Satha-Anand, Arong Suthasatna, Pheerayot Rahimullah, etc.[24]

It has to be noted here that like the Muslims in the Philippines, the Muslims in Thailand are not a homogeneous group. Throughout the long history of interactions with the Thai people and other ethnic groups, many Muslims have adopted other cultures while maintaining their Islamic identity. Many have lived outside the southern region of Thailand and moved to urban areas. Therefore when speaking of Muslims, some writers differentiate two kinds of Muslims, i.e. the Thai Muslims and Malay Muslims.[25] The former tended to be partially integrated into Thai society and its members speak Thai, but the Malay Muslims who formed half of the Muslim population in Thailand still live in the southern provinces[26] and are still quite isolated from the Thai society. Surin Pitsuwan, a Harvard-trained scholar who later became a politician noted in his dissertation that a Malay society in the Thai context is synonymous with "rural society."[27] This heterogeneity of Thai Muslim society should be borne in mind when we discuss the government policy and the Muslims in Thailand. Knowing this, it is understandable that there have been different responses towards the Thai educational policies from different groups of Muslims in Thailand.

Nevertheless, the poverty and underdevelopment in the south, and the ill treatment of the Malay Muslims by the Thai military, resulted in the continuing opposition of the population to the central government. Worse still, the Thai authoritarian government introduced the assimilation policy, forcing the Malay Muslims in the south to become "Thai." The government regarded the refusal to accept Thai culture as "unpatriotic" and "separatist." This was not only the case during the Thanom Songkhram administration (especially 1968–1969), but also during the Thanin Kraivixien administration (1976–1977). It was not surprising that in 1963 the Barisan Revolusi Nasional Melayu Patani (BRN) was established and in 1968, the Patani United Liberation Organization (PULO) was formed. Both organizations had formidable military wings. In addition, other militant groups such as

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

the Barisan Nasional Pembebasan Patani (BNPP) was also active in the 1970s (now defunct). The Gerakan Mujahidin Islam Patani (GMIP) was only formed in 1995, which was based on an earlier organization, the Gerakan Mujahidin Patani (which is inactive now).[28] GMIP was said to have links with the Kumpulan Mujahidin of Malaysia. BRN later split into three factions, two were either inactive or defunct, and only one faction, the Barisan Revolusi Nasional Melayu–Patani–Kordinasi (BRN-Coordination in English) survived. PULO was also divided into "old" and "new" factions but have now been reunited. The original founder, Tengku Bira Kotantila, was reportedly living in Syria, and the foreign affairs department is located in Sweden. However, in 1989, the Barisan Bersatu Merdeka Patani (Bersatu) was formed from a few smaller defunct groups and the Barisan Islam Pembebasan Patani (BIPP) which has also been reported to have become defunct.

Before the 1960s, the Malay Muslims in the south were relatively peaceful in the sense that there was no radical or separatist movement. As noted earlier, the discontent of the Malay Muslims during that period was confined to limited demand for autonomy in local administration. However, since the 1960s, the situation began to change and violent and a separatist movement emerged. What were the factors which contributed to this change?

The integration/assimilation policy of the Thai central government was an important factor for the violent response of the Malay Muslims. The policy affected the socio-structural basis of the Malay Muslim population, upsetting the traditional life of the population. However, equally important was the behaviour of the Thai security forces in the south and the perceived injustice received by the Malay Muslims which worsened the relationship between the Malay Muslims and the central government. The change in the Islamic world in the 1970s with the rise of Islamic revolution might also have had an impact on the Malay Muslims, not only in southern Thailand but also the Malay world of Southeast Asia. Nevertheless, one Thai writer argues that the introduction of the private schools teaching Islam in the south achieved a degree of success as many Malay Muslim children around the year 2001 went to the private schools rather than the traditional *pondok* schools.[29] The problem is that the central government was unable to provide more such schools and colleges for the Malay Muslims.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

The Emergence of the "Patani Nation"?

It need to be mentioned that the anti-colonialist movement in the past should not be considered as a nationalist movement, i.e. to establish a modern nation, but a traditionalist movement which aims at restoring the kingdom. The so-called nationalist movement in Southeast Asia appears to have started only in the 20th century with the emergence of the concept of a "nation."

It is useful to compare the Philippines and Thailand with regard to their Muslim movements. While MNLF (later MILF) possessed the characteristics of a Nationalist movement from the start, which aimed at establishing a Moro Nation (*Bangsa Moro*), the Malay Muslim movement in the south did not have a strong concept of a new Malay "nation state." What it had, in fact, was the name of the former Islamic kingdom of Patani in its organizations' name. It is revealing to note that the term *Melayu* (Malay) did not appear in the English name of the PULO, but PULO has a Malay name: *Pertubuhan Perpaduan Pembebasan Patani* (PPPP)[30] in which, Patani is mentioned, but not *Melayu*. The same thing also happens to Barisan Revolusi Nasional (BRN), in which there is neither the name of Melayu nor Patani; only in its full name (Barisan Revolusi Nasional Melayu Patani), the terms Melayu and Patani appear.

Apart from the aforementioned organizations, there were also a number of Malay Muslim insurgency groups, but there was no indication that they intended to establish a "nation-state." These organizations include the Barisan Bersatu Mujahidin Patani (BBMP), Gerakan Mujahideen Islam Patani (GMIP), Dewan Pembebasan Patani (DPP), Barisan Islam Pembebasan Patani (BIPP), Gabungan Melayu Patani Raya (Gempar) and Barisan Bersatu Kemerdekaan Patani (Bersatu). Many of them are now defunct.

It is quite obvious that all of the above Malay Muslim organizations are based on Patani in Thailand. All of them have one thing in common: all bear the name of Patani but the territory of Patani that they mentioned appeared to exclude the northeastern states of Malaysia. They have focused on the Thai territories and the leaders of the Malay Muslim separatist groups called Thailand *Penjajah Siam* (Siamese colonizers), suggesting that they would like to be free from the Thai state. Is it safe for us

to say that the Malay Muslim movement is only concerned with their areas in Thailand, not the historical Patani? Or is this the present strategy for the Malay Muslims in the south to do one thing at one time since they do not want to alarm the government of Malaysia?

Bangsa Melayu, Bangsa Melayu Patani or Bangsa Patani?

It is also interesting to note that they do not have a clear concept of a nation yet. Surin Pitsuwan in 1985 maintained that the Malay Muslims in Southern Thailand were culturally Malay (closer to Malaysian Malays) but politically under the Thai kingdom. They have been struggling against the Thai rule for "cultural and religious autonomy."[31] He also called this struggle (movement) a manifestation of Malay Nationalism. From his perspective, it seemed that the rise of the separatist movement was a means rather than an aim to establish an independent state. Surin does not suggest that the Malay Muslims wanted to merge with Malaysia either. Ruth McVey in her thoughtful paper maintained that many leaders of the Malay Muslims in Patani were educationally lagging behind, were poor in English and Malay, had no experience in bureaucracy and were not well-equipped to rule. She further noted that "They are well aware of this, and are consequently not sanguine of their prospects should Patani join Malaysia. No doubt it would then be run by Malays and not by them."[32] Nevertheless, some leaders of the Malay Muslims in Patani have harboured the idea of establishing an independent state. Nevertheless, I have not come across any official statement which explains that they intended to establish a "nation-state" which is similar to that of Bangsamoro. However, in the recently released videos of the BRN leader speeches, the term Bangsa Melayu Patani (Patani Malay Nation) was used,[33] but in the speeches and documents of PULO leaders, there was no reference of nation or *bangsa*, but *rakyat* Patani (people or subjects of Patani). The new President of PULO, Kasturi Mahkota, in his speech even talked about the liberation of Patani from the Siam colonizers so that "the governing system of the Malay Islamic Patani can be restored" (*pemulihan system Melayu Islam Patani*). It appears that they were referring to the Islamic kingdom of Patani. Unlike the leaders of the BRN who had an embryonic

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

concept of "Patani Malay Nation," but PULO leaders appeared that they were more traditional and were not concerned with nation-building.[34]

In any case, the concept of "Patani Malay Nation" is weak, if not absent among many Patani Malay Muslim leaders. Nevertheless, all were aware of the 16th-century Patani Kingdom, a sultanate whose territories were beyond the boundaries of the present-day Patani. Nevertheless, when they were talking about the liberation of Patani, they only referred to the area in southern Thailand. There was no mention that they intended to liberate those areas which were part of Malaysia. Probably they were aware that they could not offend Malaysia as they need friends rather than enemies.

Assuming that the Malay Muslims insurgency groups would gain independence from Thailand, do they want to re-establish the Patani kingdom, a modern Islamic state, or a republic? It is not very clear.[35] Perhaps it depends on which group would come to power. If the BRN were to be in power, it might want to establish a Republic of Patani,[36] if the PULO were to be in power, it depends which faction is more powerful; there was one faction which wanted to implement "Islamic socialism,"[37] perhaps another name for an Islamic state?

For one thing, the Malay Muslim leaders were not a homogeneous group, some were modern but others were more traditional. However, Astri Suhrke and Lela Noble in their study commented that in general the Muslim leaders in the Philippines are more Western/modern than those in Thailand, therefore the Moro have been able to externalize their conflict and receive the world's attention, while the Muslims in Thailand were more traditional and only linked to Malaysia and the Middle East, and as a result, they were unable to garner support beyond the sub-region of Southeast Asia. It may be true that most of the Malay Muslims in the south were educated in the Middle East and Malaysia/ Indonesia, and they mainly spoke Malay and Arabic rather than English. However, with globalization and the wider spread of terrorism from the Middle East to the Malay world of Southeast Asia, the Malay Muslims have also been affected. Nevertheless, the Malay Muslim movement is basically local rather than global.

As noted earlier, the nationalist movements in Southeast Asia took place during the 20th century, giving rise to the new "nation states" after

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

the end of World War II. The movements were led by Western educated or modern leaders, rather than traditional leaders, whose aim was to establish a new modern nation-state rather than to restore the old kingdom. Both the Moro and the Malay Muslim movements can be considered as part of these nationalist movements. In other words, the nationalist movement in Southeast Asia may not have ended. However, in contrast to the post-World War II movements that were against western colonial powers, the movements in the late 20th century and beyond are no longer against Western colonialists but against their own Asian brothers. They were/are against the so-called "internal colonialism."

Concluding Remarks

The Muslim movements in the Philippines and Thailand have external links. It has something to do with the nature of religion which has cut across national boundaries. Therefore both Islamic movements have connected with the Arab world and Southeast Asian countries where there are sizable numbers of Muslims such as Indonesia, Malaysia and Brunei Darussalam. Nevertheless, the leadership of the Islamic movement in the two countries appears to be different. Astri Suhrke and Lela G. Noble argued that the MNLF leadership tends to be more modern and western-educated while the PULO leadership tended to be more traditional and Malay/Arabic-educated. The background of the leadership affected the publicity of the movement. The MNLF have been able to externalize and internationalize the conflict resulting in a wider international attention, while the PULO appears to be more regional and less well known in the international arena. Therefore the Philippine Muslims in their movement have been more advanced than their Thai counterparts.

The origins of both Bangsa Moro and Bangsa Melayu Pattani are definitely related to Western colonialism. These Bangsas or Nations did not exist in Southeast Asian history. For the Moros, even the name was from the Spanish, which was used to refer to the Muslims in a derogatory manner, but the term was eventually accepted by the group as the name of their new "nation." The Moro territory was also linked to Western colonialism as it refers to the Muslims in the Philippine territory. Bangsa Melayu Patani was not directly connected with Western colonialism but the division of

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

the Patani territories was by the British colonizers, and the Bangsa Melayu Patani claimed only the territories within Thailand. The purpose was not the restoration of the Patani kingdom but a modern Islamic state.

It should be pointed out that there have been many Islamic organizations in Thailand, but none is really dominant. Although PULO at its height might be comparable to the MILF, yet it was unable to maintain its power. However, in the Philippines, one dominant group which represents the Muslims in the south is the MILF.[38] Perhaps this also explains the weak concept of Muslim "nationhood" in Thailand compared to that in the Philippines.

At the moment, it is difficult to assess that the concepts of Bangsamoro and Bangsa Melayu Patani among the Muslims in the two countries. It is a fact that the Muslims in the Philippines do not form a homogeneous group. Not all Muslims considered themselves as Bangsamoro. Many are comfortable with being called Philippine Muslims or Filipino Muslims. Only members or sympathizers of MNLF and MILF would identify themselves with the term Bangsamoro. In fact, the term at the moment is more political rather than cultural. The Muslims in Thailand are not a homogeneous group either. In fact, in the course of history, many Muslims had been co-opted into the Thai bureaucracy/Thai politics and became Thai Muslims. They retain their Muslim identity within the Thai polity. Those who are not yet absorbed into Thai society remained as Malay Muslims. "Bangsa Patani" is a very new and often an illusive term. It has been absent in many studies on Malay Muslim movements in Thailand. I only heard some leaders of BRN occasionally using the term Bangsa Patani in the recent videos. The identity of Malay Muslims in southern Thailand may still be "Malay" rather than "Patani."

It appears that the above "nations" are still in the making and the realization of the new nation-states is still very remote. It appears that militarily, both the Philippine and Malay Muslims are still very weak, it is not possible for them to attain their independence by using military force. Culturally and socially, the Muslims in both the Philippines and Thailand are far from being united. Economically, they are backward and poor, and this is particularly true in the case of the Muslims in Southern Thailand. Ruth McVey noted about the Patani: "As for an independent Patani, this has generally been thought unviable — too small, too poor, too few evident resources."[39] She also commented on the split in the leadership which is likely to hinder

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

independence.[40] Nevertheless, the Moro and Patani movements are active and they still present a challenge to both Manila and Bangkok. It seems that only the policy of cultural pluralism, genuine autonomy and better economic development would be able to pacify these movements.

Endnotes

1. Rixhon (1978, pp. 118–119).
2. Suhrke and Noble (1977, p. 180).
3. According to Cesar Adib Majul, the population of Lanao del Norte, Maguindanao and Sultan Kudarat was less than 50% Muslim, and that of Zamboanga del Norte, Zamboanga del Sur, South Cotabato, Davao del Sur, and Palawan less than 20%. *See* Majul (1985, p. 74).
4. *Ibid.*, p. 14.
5. Che Man (1990, p. 77).
6. Suhrke and Noble stated that the organization, Kabataang (Kabataan) Makabayan, was linked with a Maoist group, but Che Man only noted that the organization was a Marxist group.
7. Suhrke and Noble (1977, p. 182).
8. *Ibid.*
9. For the full text of the Tripoli agreement, *see* Majul (1985, pp. 120–125); *see also* Jubair (1999, pp. 314–320).
10. Camilleri (2008, pp. 75–76).
11. Hashim (2001, pp. 2 and 53).
12. *Ibid.*, p. 90.
13. *Ibid.*
14. David Wurfel argued that "until the late 1960s Muslims seemed to regard this … term as disrespect. But the term has since been reappropriated, in part because no other uniquely describes Muslims in the Philippines." Wurfel (1991, p. 29); Suhrke and Noble in their earlier publication made a similar argument, p. 211.
15. For the whole text, *see* Majul, *op. cit*., pp. 117–119.
16. For the text of the Manifesto, *see* Jubair (1999, pp. 306–308).
17. For instance, R Joel Jalal-ud-din de los Santos, Jr uses the term "Muslims in the Philippines" (Joel, 1978, p. 207); while Cesar Adib Majul uses "Muslim Filipino" or "Filipino Muslim" (*see* Majul, *op. cit.*, pp. 10–14, 37, 110).
18. Regarding Patani kingdom, not many studies have been produced. According to Wikipedia, the sultanate covered approximately "the area of the modern

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Thai provinces of Patani, Yala, Narathiwat and much of the northern part of modern Malaysia." <http://en.wikipedia.org/wiki/Pattani_Kingdom> (accessed on 26 February 2014).

19. Pitsuwan (1985, p. 29).
20. *Ibid.*, pp. 83–84.
21. Benbournnane (2012, p. 62).
22. Pitsuwan, *op. cit.,* pp. 105–106.
23. Benbournnane, *op. cit.*, p. 65.
24. *Ibid.*, p. 146.
25. Farouk (1988, pp. 1–31). Farouk introduces more categories in his paper: the Muslim Siamese, the Chams (Muslims), West Asians (Iranian), the South Asians, the Indonesians and the Thai-Malays, the Chinese Muslims, the Samsams and the Malay Muslims.
26. *Ibid.*, p. 12.
27. Pitsuwan, *op. cit*., pp. 22–23.
28. Lintner (2014).
29. Benbournnane, pp. 105–106.
30. *See* Che Man, p. 98; one source gives the name as Petubuhan Pembebasan Patani Bersatu (PPPB), which refers to the new PULO. (Benbournnane, p. 169).
31. Pitsuwan, *op. cit*., pp. xiii–xiv.
32. McVey (1989, p. 43).
33. For instance, the video on "Penjelasan 5 tuntutatan awal BRN 29.04.2013" by Abdulkarim Kholid, and that of "Penisytiharan dari Barisan Revolusi Nasional Melayu Patani" by Hassan bin Taib, both said that they were fighting for "Bangsa Melayu Patani." www.dailymotion.com/.../xzcehr_exclusive declarat... April 26, 2013 (accessed on 2 March 2014).
34. I have not been able to see any documents or discussions on the state or nation-state that the Malay Muslims in Southern Thailand wanted to establish. Perhaps their major concern is to get independence from Thailand.
35. The information on this is sketchy. Most of the study on the Thai Muslims did not discuss the state or the nation that they intend to establish. I have not been able to get hold of any document pertaining to this issue.
36. Che Man, *op. cit.*, p. 99.
37. *Ibid.*
38. Liow (2006, p. 42).
39. McVey, *op. cit.,* p. 43.
40. *Ibid.*

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Chapter 11

Citizenship, Nation-State and Nation-Building in Globalizing Southeast Asia

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Governments in the world are concerned with managing their multi-ethnic and multi-cultural societies. Many boil down to using citizenship and nation-building to unite the country. However, Western colonialists did not introduce the nation-building concept as they were afraid that the emergence of a nation in the colony would end their colonial rule. Even the concept of citizenship during colonial time was not used universally. This "fragmented citizenship" can be seen in some countries in Southeast Asia even today.

As explained in previous chapters, Southeast Asian governments have used both citizenship and nation-building to unite multi-ethnic and multi-cultural societies. However, in some countries, the policies only achieved limited success; many still face many problems. With the rise of globalization at the end of the last century, citizenship and nation-building in Southeast Asia have encountered new challenges.

Citizenship and Globalization

As discussed earlier, the concept of citizenship in Southeast Asia, which is reflected in the citizenship law, often bestows different rights to different ethnic groups. For instance, all Southeast Asian states automatically regard the "indigenous" population as automatic citizens. This automatic citizenship for the "indigenous" population derives from the concept of indigenism that we addressed earlier. Indeed, some have argued that for the majority of the "indigenous" Southeast Asians, if the country of origin did not bestow them with citizenship, nowhere else would they be offered such a status.

However, with rapid globalization, the concept of citizenship has also changed gradually. Political loyalty and community belonging are still the requirements of citizenship; the offering of citizenship to foreigners, however, is often based on other considerations, especially economic and profit considerations. Therefore, recently citizenship has become a commodity. For many countries, citizenship is given to those people who either have skills or wealth. The "commoditification" of citizenship may generate some problems as many states still demand political and even cultural loyalty from their new citizens. For instance, a few countries in Southeast Asia welcome highly skilled foreigners (such as sportspersons, doctors, professors, scientists) and wealthy entrepreneurs. Although generally they were given permanent resident status initially, citizenship is granted later, some with a short waiting period. This kind of citizenship can hardly be linked to "national loyalty."

Due to the presence of new citizens, in many countries, including those in Southeast Asia, to contest an election or to hold a public office, a natural-born citizen is often required. The meaning of the natural-born citizen is someone who is already a citizen by birth; a naturalized citizen will be denied to hold certain positions.

As noted earlier, prior to receiving citizenship, a Permanent Resident (PR) status is often offered. A PR differs from a citizen as they have different obligations and rights. For instance, a PR does not have to serve in the national service and does not have the right to participate in politics (e.g. the right to vote). Other rights, however, are quite similar, if not the same, as a citizen. Some countries may also differentiate the economic rights of a PR from that of a citizen. For instance, a foreign resident has to pay "foreign head tax" and a higher fee for public housing and public hospital. In Singapore, for instance, the rights of a PR and a citizen have been debated and adjustments are being made.

Citizenship and Human Rights

One of the great challenges to citizenship during the era of globalization is human rights. As citizenship usually provides exclusive rights and obligations to the citizens, non-citizens will neither have such citizen's rights nor citizen's obligations. The concept of human rights is just the opposite,

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

citizens and non-citizens who live in the same territories deserve similar, if not identical, rights.

Citizenship is a differentiation of the population. In other words, it draws a boundary for different categories of the peoples. It is just like a club membership, only members will enjoy privileges as members also have obligations. But human rights sees no national boundary. Therefore rights of living, rights to health care, and rights to be free from hunger, etc. should be universal and given to all regardless of one's citizenship. The Human Rights Movement gained momentum towards the end of the 20th century, posing a challenge to nation-states. The US which claims to be the champion of Human Rights after the end of the Cold War has also faced this challenge. The rights of citizens and non-citizens in some areas became a blur. This has also had an impact on the concept of citizenship and nationhood.

Samuel Huntington, for instance, argues that

> "Citizenship linked the identity of the individual to the identity of the nation. National governments defined the bases of citizenship … In the late twentieth century, the idea of national citizenship came under attack, the requirements that had to be met to become a citizen eroded, and the distinction between the rights and responsibilities of citizens and noncitizens shrank significantly. These developments have been legitimated in the name of international agreements on universal human rights and the argument that citizenship is not the product of the nation but inheres in the individual. The link between citizen and nation is broken, undermining as Yasemin Soysal has said, 'the national order of citizenship.'"[1]

Apart from the link between citizenship and national right being severed, globalization also makes an individual easier to change his/her citizenship. Therefore it is getting more difficult to equate citizenship with the nation (nationality) as the nation is supposed to be more permanent and cannot be easily changed.

Nations and Nation-States in the Globalizing World

As discussed earlier, nation originated in the West and was followed by developing countries. Western nations have wrongly been seen as "completed projects" and often seen as models for developing countries to

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

imitate. But examining Western nations, many are less than united. Even the UK, Spain, Belgium and Canada still face a lot of ethnic issues. The UK and its Irish and Scottish problems have not really been resolved, Spain is still infested with the Basque separatist movement, and language issues in Belgium have re-emerged, threatening the unity of the country. A vast and naturally rich Canada has also been disturbed by the Quebec issue. In fact, Canada comprised at least two nations, the English-speaking nation and the French-speaking nation. Some even argued that there is the third nation, or the "first nation" — the indigenous Indian nation — which is still very weak. The two larger Canada's nations: English Canadians and French Canadians do not intend to form a homogeneous nation.[2] The tension between these two linguistic/cultural groups is still there but is still under control at the moment.

Non-Western countries have encountered even greater challenges. The former Soviet Union and Eastern European states have disintegrated soon after the end of the Cold War. These so-called "nation-states" have been broken down to many smaller "states," if not smaller "nations."[3] This has reminded me of Walker Connor's well-known phrase: "nation-building and nation-destroying."[4] In the era of globalization, when democratic and ethnic forces are being released, will the process of "nation-destroying" rather than "nation-building" take place?

In fact, during the Cold War, we have already witnessed the split of Pakistan into both Pakistan and Bangladesh. After the disintegration of the Soviet Union, we have also witnessed the independence of East Timor from Indonesia. A threat of "nation-destroying," or more accurately, "national disintegration," is not disappearing. The world of "social nations" is facing the threat of national disintegration; this is also the case with Southeast Asia.

Nation is supposed to be a politico-cultural as well as psychological concept. The final product will be a unified "national culture." Nevertheless, many countries, especially the Southeast Asian states, do not have their representative "national culture" as they are still "state-nations" rather than "nation-states"; "nation building" is problematic, and worst still, there is not yet a generally agreed concept of "nation." In fact, the other way around is true. Southeast Asia still consists of multi-ethnic/multi-national states. In the era of democratization and revival of ethnicity, the governments in

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Southeast Asia have been forced to re-examine their concepts of nation. The rigid model of "nation," which was based on a single ethnic/race model, has been relaxed, if not abandoned; by doing so, the government expects that national unity in a multi-ethnic and multi-racial state can be achieved.

Demise of Nation-States and the Rise of Region States?

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

However, on the other side of the coin, there has been an argument that "nation-state" will diminish, not to become more "ethno-nation states" but to give way to what Kenichi Ohmae called "Region States."[5] Globalization has given rise to global economy or at least regional economy which infringed the boundaries of states. But despite the rise of regional economies, there is no real Region State. Even the European Union (EU) which is often used as an example of regional integration is not without its problems. In fact, the national interests of the EU member states often act as a stumbling block for further integration of the Union. National sovereignty continues to exist despite the Union. The Association of Southeast Asian Nations (ASEAN), which is also a regional organization, is even further away from being an integrated region, let alone a "Region State."[6]

In fact, the "demise" of the nation-state has been predicted since the 1960s but this prediction has become more popular during the era of globalization. Most of the writers who hold this view are those who are international economists and business experts. Like those who talk about the emergence of "Region States," they also argue that the nation-state is "fast becoming out-moded by economic globalization. The global economy is characterized by massive flows of money and capital across political boundaries."[7] National economies have been heavily influenced by global economy as decisions of many international actors IMF, GATT/WTO, World Bank, MNCs and G7 impacted the national economy of many nation-states. National sovereignty was infringed upon and this is "the end of nation-states."

However, nation-states in the era of globalization continue to exist. Robert Holton correctly maintains that

> "the historical dynamic of the nation-state is very far from being played out. Yet it is also clear that the world that nation-states inhabit is changing, that

> globalization is a major source of change … Such changes may involve the erosion of traditional ideals of absolute state sovereignty within political boundaries, yet they dispose neither of the idea of sovereignty as state autonomy from external coercion nor that of sovereignty as a bargaining resource that political elites may use in negotiation with external interests."[8]

The impact of globalization, in fact, is not confined to national economy and politics; it also involves "national culture" as well as national identity. Of course, the impact of globalization on the national culture and national identity differ from state to state, depending on the history and size of each nation state. Nevertheless, national identity has not disappeared; it has been replaced neither by global identity nor by regional identity. "Nations" are still alive!

Multi-Ethnic Nation, Multi-Culturalism and Multi-Racialism

In previous chapters, it has been discussed that generally there are two concepts of nation: ethno-nation and social nation (civic nation). While the former is based on a single ethnic group (such as Japan and Germany), the other is a multi-ethnic entity (such as the US and the UK). Nevertheless, in the era of globalization and democratization, a nation based on single ethnicity (ethno-nation) is no longer a viable model. Multi-ethnic nation (social nation) has become the norm of the day. Even in the US, the melting pot concept has been abandoned and replaced by multi-culturalism which is often called the salad bowl concept.

Nevertheless, if we examine it closely, the so-called multi-culturalism is in fact a form of "culturalism" with the dominance of Anglo-Saxon language/religion and culture. An American in the recent past was often considered an English speaker, a Christian and with "Western" values. Even multi-culturalism as advocated in Canada is in reality based on two major cultures: the English and French cultures. The original (native) minority culture is "underdeveloped" and has not become a significant part of Canadian culture. If the original (native) minority culture is included in the so-called Canadian culture, it is more symbolic rather than substantial.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

If both the US and Canada are the champions of multi-culturalism, Singapore is an advocate of multi-racialism. What are the similarities between "multi-culturalism" and "multi-racialism" in **practice**?

There is an obvious similarity between "multi-culturalism" and "multi-racialism": both have adopted the principle of pluralism in culture. But the similarity stops there. As the US and Canada have adopted the majority language (in the case of the US, English, while in the case of Canada, both English and French) as their "national" or "official languages,"[9] and the language has become the medium of instruction in school and tertiary education, in Singapore, four "racial" languages (English, Chinese, Tamil and Malay) are considered official languages. Malay in addition to being an official language is also the national language of Singapore. However, if the number of the population is used as a guidance for the "National" or "Official" language, Chinese should have been chosen as the official/national language of Singapore. But it is not the case. Singapore which is located in the so-called Malay Seas, to unite its multi-racial members, has decided to use English instead of Chinese as a common language (sometimes it is called the "working" language), Malay is still the national language of the Island State, although it is more symbolic than substantial.

Of course, these differences are the result of a country's history and ethnic composition. Also there is a limit on multi-culturalism and multi-racialism. If multi-culturalism and multi-racialism are pushed to the extreme, it seems that there will be disunity rather than unity among the multi-ethnic population. This will present a basic problem for nation-building as there will be no nation but diverse ethnic/national groups.

Let us examine the current situation of Southeast Asian nations. As stated earlier, the majority of nations in the world are multi-ethnic nations rather than ethno-nations. This is also the case in Southeast Asia.

Contemporary Southeast Asian Nations[10]

Southeast Asia comprises 11 states. With the exception of Thailand, all were Western colonies which became independent only after World War II. These post-war independent states were eager to build new nations based on the existing colonial boundaries. Nevertheless, those which had

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

strong nationalist movements such as the Philippines, Vietnam, Burma (Myanmar) and Indonesia tend to be faster in nation-building, while those without strong nationalist movements tend to be slower in nation-building. They include Malaya/Malaysia, Singapore and Brunei Darussalam. Singapore (excluding Timor-Leste) is perhaps the youngest Southeast Asian nation as it became independent only in 1965. Thailand was never colonized but it was a kingdom rather than a nation-state. Thai nationalist feeling started emerging at the turn of the 20th century when Chinese nationalism affected the overseas Chinese in Thailand. But more popular nationalist feelings began to grow in 1932 after the "revolution" in which Thailand became a constitutional monarchy. However, like many Southeast Asian states, its national problem was never resolved. The Southern Muslims have never been integrated into the Thai nation.

As noted above, nations can be divided into "ethno-nations" and "social nations" (civic nations). With the exception of 12 states in the world which are "ethno-nations," the rest are "multi-ethnic nations" or "social nations." In Southeast Asia, all the states are multi-ethnic societies, but some governments may still harbour the concept of "ethno-nations" as some of these countries have a dominant ethnic group as reflected in the names of the country. Vietnam refers to the land of the Viets; Myanmar to "Burma," "Bhama" (Bamar) or Burmans, the dominant group in the country; Thailand means the land of the Thai; Malaysia is a Malay-dominated country; and Brunei Darussalam is a Malay kingdom.

However, one has to quickly add that in nation-building, the governments of the above countries will not be able to assimilate other ethnic groups and transform them into the dominant ethnic group. In some cases, the constitution guarantees that all groups in the country have religious and linguistic freedom. Nevertheless, the frame of reference is always determined by and based on the dominant group. This reference to one dominant ethnic group limited the scope of other ethnic groups to identify themselves with a neutral identity, and hence often creates identity problems for the minority groups in the new nation. In the case of Malaysia, Malay is the national language, and is used in the national schools throughout the country. Islam, the Malay religion, is the "official religion" and the national culture is based on Malay and Islam. Due to immense

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

problems, it is a "mission impossible" to build an ethnic nation in a multi-ethnic society, especially one that is deeply divided. Therefore in reality, the states with an "ethno-nation" background (including Malaysia) are still reluctantly creating "social nations" instead of "ethno-nations," but the attempts to build "social nations" are often halfhearted.

In Malaysia, especially West Malaysia, where the central authorities lie, the "indigenous population" is also equivalent to the Malay race, but in East Malaysia, the "indigenous population" includes a large number of non-Malays and non-Muslims. Therefore, the Malay-based nation might not be well-accepted by them. Nonetheless, the Malays constituted about 67% of the total population while the Chinese comprise 24.8% and they are socially, culturally and economically powerful, if not politically influential. The Malaysian political system is still largely ethnic-based ("race-based" as the government calls it). Malaysia also has a sizeable number of the Indian community which has been marginalized and impoverished. Ethnic feelings in Malaysia have grown, and to build a cohesive multi-ethnic nation has become more difficult than ever.

Thailand, the land of ethnic Thai, also has a similar problem. The Thai constitutes about 75% of the population (one says more than 80%) while the Chinese form 14% (one says 10%), and the Malay Muslims constitute about 5% of the population. The Chinese have been integrated and assimilated into Thai society and do not pose a socio-political problem for the mainstream culture; the Thais of Chinese descent (such as Chuan Leekpai and Thaksin) even succeeded in holding the highest political office (i.e. prime ministership). However this is not the case with the Malay Muslim minority in the south. As the major religion is Theravada Buddhism, Islam appears to have been outside of the mainstream. The Thai flag comprising three colours — red refers to the people, white refers to Buddhism and blue refers to the King — does not give a place to Islam. It was said the King is not only a patron of the Buddhists but also of the Muslims, but with the rise of radical Islam, Malay Muslims in the south increasingly keep a distance from the monarch. In fact, for decades, the Thai Muslims have organized themselves to rebel against the Thai central government and have attempted to be independent. The issue has not been resolved and poses a stumbling block for the emergence of a proper nation-state in

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Thailand. When we examine the situation, it is apparent that it is not only about cultural/national identity, but also reflects how the control of political power and country resources is in the hands of the Buddhist Thais. This is the core of the issue.

Myanmar is the name of the dominant group, also known as Bamar. This group forms about 68% of the Myanmar total population, and has been challenged by other ethnic groups soon after Myanmar, then called Burma, attained independence after World War II. The process of nation-building was not smooth as other indigenous groups, namely the Shan (9%) and Kayin (also known as Karen, 7%) openly rebelled against the central Burmese authorities. Even after the military took over power and introduced a military regime, ethnic conflicts had never been resolved. Some minority groups also belong to different religions (Christianity, Hinduism and Islam) and the "Muslim problem" recently emerged when Rohingya wanted to improve their lot in Myanmar. The hegemonic control temporarily pacifies the discontent of the minority groups but in the long run, it seems that Myanmar needs to build a genuine multi-ethnic nation rather than an ethno-nation.

Vietnam is the land of the Viets, an ethnic group that comprises 86% of the population. There are at least seven other minority groups in the country but each consists of a little over 1%. The Viets have been dominant in history; although the Viets recognize the existence of indigenous minority groups, the minority groups have not been given any significant role to play. The state resources are in the hands of the Viets who happen to be communists, and control the state. It is imperative to note that Vietnamese communists used nationalism to garner support and eventually to seize power. China has been the historical foe of the Viets, and this has affected the position of ethnic Chinese in Vietnam. In the land of Ho Chi Minh, anti-Chinese movement/campaign has been off and on and ethnic Chinese or Chinese-Vietnamese are often caught in between. It appears that the nation-building process in Vietnam has not been completed, and ethnic minority issues, especially that of the Chinese, have not been completely resolved.

Brunei Darussalam as an absolute Malay monarchy is not interested in nation-building as it may challenge the rights of the monarch. Its primary interest is to keep the present monarchial system in the globalizing

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

world. Its problem is not related to nation-building but to guarantee a smooth operation of the monarchy system.

Apart from the so-called "ethno-nations" in Southeast Asia, there are also "social nations" which can also be seen from the names of the countries, for example Indonesia, the Philippines and Singapore. Unlike the "ethno-nation," "social nations" which do not have one particular ethnic group to refer to offer a larger scope for minority groups to manoeuvre. There should be less identification problem for minority groups. In theory, "social nations" should be easier to build than "ethno-nations."

The term "Indonesia" does not refer to any ethnic group. The name emerged during the nationalist movement before World War II which refers to a geographical area. It is a multi-ethnic and multi-religious state, and the majority of the "indigenous ethnic groups" belongs to the so-called "Malay race." However, this "Malay race" of Indonesia is not religiously homogeneous. "Indigenous" Indonesians can be Muslims, Christians, Hindus and even Buddhists. In addition, the composition of the ethnic Chinese is only about 2%, which is an absolute minority. Indonesia is an archipelagic state divided by seas. It is therefore quite difficult to build a nation. Up to now, Indonesia is still a secular state or "Pancasila State" as Indonesians have termed it. But the position of Pancasila ideology in Indonesia has been contested, and the issue between "Islamic/Muslim State" and "Secular State" has not been completely resolved. This explains why the concept of an Indonesian nation is multi-religious and multi-ethnic. It needs to be noted that this pluralism was not enjoyed by the Chinese Indonesians during the Suharto era as they were expected to be assimilated into "indigenous Indonesian communities." Only after the fall of Suharto was this concept of pluralism extended to the ethnic Chinese.

The Philippines, which is known as a "Christian nation," continued to face Moro (Muslim) problems in the south. Historically speaking, there was no country called the Philippines before the arrival of western colonialists, and the Philippines state is clearly the product of Western colonialism. However, after the departure of colonialists, the Philippines achieved political independence. The Christian majority spread to the southern Moro land which resulted in perennial conflict. Nation-building is still a problem and a social nation of the Philippines is still to be forged.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

If not handled properly, a state with two nations might occur. It is worth noting that the Communist rebellion (Huk rebellion) and the Chinese minority are no longer a major challenge to the Philippine nation-building process. The Chinese issue has been less serious as many Chinese mestizos have been accepted as Filipinos and become leaders in the Philippines.

Singapore is unique as it is the only immigrant state (or migrant state) in the region, it is also a city state which has a Chinese majority. Being a migrant state, it does not have the "indigenous" concept of the nation, and all ethnic groups are supposed to be equal. Being an open city which welcomes new migrants, Singapore's "nation" continues to evolve. In fact, Singapore is still in search of a "National Model."

Since it is not easy to build a nation, some countries wanted to strengthen citizenship, arguing that citizenship is more concrete than nation. Through citizenship-building, gradually national belonging will also emerge. So far, only Singapore and more recently, Indonesia, are doing this.

Examining the stage of nation-building in Southeast Asia, the four countries, namely the Philippines, Vietnam, Indonesia and Thailand can be classified as "older nations," while Malaysia, Singapore and Brunei Darussalam are classified as "younger nations." Unfortunately, whether old or new, the sense of belonging to a respective nation is not yet strong, in other words, the concept of nation is still weak. Many still do not have a general agreement on what sort of nation they wish to build. Separatist movements have occurred, jeopardizing the very existence of many "nations." Some observers even feel that there is a possibility for Southeast Asian "nations" (i.e. nation-states) to break up in the future, and for more new nations to emerge in this region. But the present governments are trying very hard to prevent this from happening.

Concluding Remarks: Is Nation-Building Still Relevant?

As ethnic (ethno-)nations are few in the world, they were the products of past history rather than modern time. It is not likely that there will be modern ethnic nations. In the era of globalization, the existing ethnic nations are being challenged; they may begin to show some multi-ethnic aspects. Germany and Japan, for instance, began to accept more foreigners

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

into their countries, and this undermined their homogeneity. As to multi-ethnic nations, they are still in the making. *Nation in this sense is a project, a common project; some have gone quite far, while others are still in the initial stages, but all remain uncompleted.* Nevertheless, is there another project which can replace this nation project? What happens if this project is abandoned? Will there be a unity in the multi-ethnic state? Can citizenship really replace "nationhood"?

It seems that up to this moment, "nation" in the form of "nation-state" is still the choice of most countries in the modern world, and citizenship does not convey the cultural and psychological aspects of human needs. For one thing, citizenship as it is known today is less "permanent" than nationhood. It should also be noted that despite the challenge of regionalism and globalization, "nation-states" are still alive. Nationalism can still be seen all over the world.

Nation-building is still ongoing for many countries, but the concept of nation is becoming blurred. In Southeast Asia, for instance, the model of "nation-state" was that of the West. In the last century, especially soon after World War II, European countries rather than the US were often seen as the models. But the rise of ethnicity and the problems faced by many "nation-states" in the West made Southeast Asians lose their "examples." Some argue that this may be a temporary setback, Southeast Asian countries would eventually resolve their own problem by doing what the US is doing; others may look at their own models based on their traditions.[11] In any case, there is not yet an alternative model which can replace the "nation-state."

There is no doubt that building a nation is not easy and it is a long-term "project." With the revival of ethnicity all over the world more and more, this project is difficult, if not impossible, to complete. Therefore some critics doubt the feasibility of building a new nation. Nevertheless, the concept of nation appears to die hard and many still subscribe to the importance of nation-building. More and more people, however, have realized that defining a nation is problematic. This is even so for the state. In the short run, citizenship-building is easier and more effective. Not surprisingly, some countries have focused more on citizenship-building than nation-building. It does not mean that they have totally abandoned nation-building. On the contrary, the long-term goal of many

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

countries is still building a nation. As long as the concept of "nation-state" still prevails, national belonging is unlikely to disappear.

Endnotes

1. Huntington (2005, pp. 217–218).
2. Esman (1994, pp. 147–175).
3. Smith (1996).
4. Connor (1972, pp. 319–355), republished in Connor (1994, pp. 29–66).
5. Ohmae (1995).
6. On the conflict between national interest and regional interest, *see* Suryadinata (1996), *see* Chapter 5.
7. Holton (1998).
8. *Ibid.*, p. 106.
9. It is worth noting that the US as a "nation" does not have a national language. English is the common working language and is a *de facto* "national language" in the US but it is not officially called the national language of the US.
10. Some of the arguments in this section is taken from Suryadinata (1997, pp. 1–4).
11. *See* for instance Tonnesson and Antlov (1996).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com
by UNIVERSITY OF CALIFORNIA @ SAN DIEGO on 12/21/15. For personal use only.

Appendix A: Ethnic and Religious Compositions of Southeast Asian Countries

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Table A.1. Ethnic and religious composition of Brunei Darussalam (2001)

Malayans	66.7%	Muslims	75.1%
Chinese	11.1%	Buddhists	8.5%
Others	22.2%	Christians	9.4%
Total	100%	Others	7.0%
		Total	100%

Source: *Brunei Darussalam Statistical Yearbook 2010*. Department of Economic Planning and Development, Brunei website. <http://www.depd.gov.bn/SI/BDSYB2010/BDSYB%202010.pdf> (accessed on January 2013).

Table A.2. Ethnic and religious composition of Cambodia (1998)

Khmer	90.0%	Buddhists	96.4%
Vietnamese	5.0%	Muslims	2.1%
Chinese	1.0%	Others	1.3%
Others	4.0%	Unspecified	0.2%
Total	100%	Total	100%

Source: *The World Factbook*. Central Intelligence Agency website. <https://www.cia.gov/library/publications/the-world-factbook/geos/th.html> (accessed on January 2013).

Table A.3. Ethnic and religious composition of Indonesia (2010)

Javanese	40.22%	Muslims	87.18%
Sundanese	15.5%	Christians	6.96%
The Batak	3.58%	Catholics	2.91%
Madurese	3.03%	Hindu-Balis	1.69%
The Betawi	2.88%	Buddhists	0.72%
Minangkabau	2.73%	Confucians	0.05%
Chinese	2.00%*	Others	0.51%
Others	30.06%	Total	100%
Total	100%		

Source: *Kewarganegaraan, Suku Bangsa, Agama, dan Bahasa Sehari-hari Penduduk Indonesia: Hasil Sensus Penduduk 2010*, Jakarta: Badan Pusat Statistik, 2011.

*According to the 2010 Indonesian census, the Chinese constitute 1.2% of the total population. Many Chinese in the census did not identify themselves as Chinese, therefore the actual number of the Chinese-Indonesians may be larger. This 2% is just my estimate. A survey research should be conducted.

Table A.4. Ethnic and religious composition of Laos (2005)

Lao	55%	Buddhists	67.0%
Khmou	11%	Christians	1.5%
Hmong	8%	Others & unspecifieds	31.5%
Others (over 100 minor ethnic groups)	26%	Total	100%
Total	100%		

Source: *The World Factbook*. Central Intelligence Agency website. <https://www.cia.gov/library/publications/the-world-factbook/geos/th.html> (accessed on January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Table A.5. Ethnic and religious composition of Malaysia (2010)

Bumiputra	67.4%	Muslims	61.3%
Chinese	24.6%	Buddhists	19.8%
Indians	7.3%	Christians	9.2%
Others	0.7%	Hindus	6.3%
Total	100%	Confucians, Taoists and Tribal/folk/ other traditional Chinese religions	1.3%
		Unknown	1.0%
		None	0.7%
		Others	0.4%
		Total	100%

Source: Department of Statistics Malaysia official website. "Population and Housing Census, Malaysia 2010 (2010 Census)". <http://www.statistics.gov.my/portal/index.php?option=com_content&view=article&id=1215%3Apopulation-distribution-and-basic-demographic-characteristic-report-population-and-housing-census-malaysia-2010-updated-2972011&catid=130%3Apopulation-distribution-and-basic-demographic-characteristic-report-population-and-housing-census-malaysia-2010&Itemid=154&lang=en> (accessed on January 2013).

Table A.6. Ethnic and religious composition of Myanmar (2008)

Bamar	68%	Buddhists	89%
Shan	9%	Christians	4%
Kayin/Karen	7%	Muslims	4%
Rakhine	3.5%	Hindus	1%
Chinese	2.5%	Animists & Others	2%
Mon	2%	Total	100%
Others	8%		
Total	100%		

Source: http://www.scribd.com/doc/27140861/CIA-The-World-Fact-Burma (accessed on 15 January 2013); http://en.wikipedia.org/wiki/Demographics_of_Burma (accessed on 15 January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Table A.7. Ethnic and religious composition of the Philippines (2000)

Tagalog	28.1%	Roman Catholics (Roman Catholic 80.9%, Aglipayans 2%)	82.9%
Cebuano	13.1%	Christians (Evangelists, Iglesia ni Kristos, and other Christians)	9.6%
Ilocano	9%	Muslims	5.0%
Bisaya/Binisaya	7.6%	Others	2.5%
Hiligaynon Ilonggo	7.5%	Total	100%
Chinese	1.3%		
Others	28.7%		
Total	100%		

Source: http://www.indexmundi.com/Philippines/demographics_profile.html (accessed on 15 January 2013); http://en.wikipedia.org/wiki/Demographics_of_the_Philippines (accessed on 15 January 2013).

Table A.8. Ethnic and religious composition of Singapore (2000/2010)

	2000	**2010**		**2000**	**2010**
Chinese	76.8%	74.1%	Buddhists	42.5%	33.3%
Malays	13.9%	13.4%	Muslims	14.9%	14.7%
Indians	7.9%	9.2%	No religion	14.8%	17.0%
Others	1.4%	3.3%	Christians	14.6%	18.3%
Total	100%	100%	Taoists	8.5%	10.9%
			Hindus	4.0%	5.1%
			Others	0.7%	0.7%
			Total	100%	100%

Source: Department of Statistics Singapore website. "Singapore Census of Population 2010" and "Singapore Census of Population 2000". <http://www.singstat.gov.sg/pubn/catalogue.html> (accessed on January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Table A.9. Ethnic and religious composition of Thailand (2000)

Thais	75%	Buddhists	94.6%
Chinese	14%	Muslims	4.6%
Malays	5%	Christians	0.7%
Others	6%	Others	0.1%
Total	100%	Total	100%

Source: *The World Factbook*. Central Intelligence Agency website. <https://www.cia.gov/library/publications/the-world-factbook/geos/th.html> [accessed January 2013]); World Directory of Minorities, <http://www.minorityrights.org/?lid=5600&tmpl=printpage> (accessed on 15 January 2013).

Table A.10. Ethnic and religious composition of Vietnam (1999)

Kinh	86.21%	Buddhists	48.3%
Tay	1.94%	Catholics	34.7%
Thais	1.74%	Hoa Hao	8.0%
Muong	1.49%	Cao Dai	5.8%
Khome	1.38%	Protestants	2.8%
Hoa (Chinese)	1.13%	Muslims	0.4%
Nuns	1.12%	Total	100%
Hmong	1.03%		
Others	3.95%		
Total	100%		

Source: "Population and Housing Census Vietnam 1999". General Statistics Office of Vietnam website. <http://www.gso.gov.vn/default_en.aspx?tabid=476&idmid=4&ItemID=1841> (accessed on January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

This page intentionally left blank

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix B: Citizenship Law of Brunei Darussalam

BRUNEI NATIONALITY ACT (CHAPTER 15)
LAWS OF BRUNEI
CHAPTER 15
BRUNEI NATIONALITY ACT
4 of 1961
1984 Ed. Cap. 15

Amended by
S 43/00
REVISED EDITION 2002
(1st June 2002)

Section

ARRANGEMENT OF SECTIONS

1. Citation.
2. Interpretation.
3. National status.
4. Subject of His Majesty by operation of law.
5. Subject of His Majesty by registration.
6. Registration of minors.
7. Effect of registration as a subject of His Majesty.
8. Subject of His Majesty by naturalisation.
9. Loss of status of subject of His Majesty.
10. Renunciation of status of subject of His Majesty.
11. Deprivation of status of subject of His Majesty.
12. Saving of obligations incurred before loss of national status.

13. Decision of His Majesty not subject to appeal or review.
14. Birth on ship.
15. Language Board.
16. Evidence.
17. Offences.
18. Power of His Majesty in Council to make regulations.

FIRST SCHEDULE — MEMBERS OF GROUPS OF PEOPLE WHO ARE CONSIDERED TO BE INDIGENOUS TO BRUNEI DARUSSALAM WITHIN THE MEANING OF THIS ACT

SECOND SCHEDULE — OATHS OF ALLEGIANCE

BRUNEI NATIONALITY ACT

An act to make provision for the status of a subject of His Majesty the Sultan and Yang Di-Pertuan, for the acquisition and loss of such status and for other purposes connected therewith

Commencement: 1st January 1962

1. Citation.

This Act may be cited as the Brunei Nationality Act.

2. Interpretation.

(1) In this Act, unless the context otherwise requires —
"child" includes any child whose adoption has been registered in accordance with any written law in force in Brunei Darussalam;

"citizen of the United Kingdom and Colonies" means a person who is a citizen of the United Kingdom and Colonies under the British Nationality Act 1948;

"minor" means a person who has not attained the age of 18 years reckoned according to the Gregorian calendar;

"appointed day" means the 1st day of January 1962.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(2) A person shall for the purposes of this Act be of full capacity if he has attained the age of 18 years reckoned according to the Gregorian calendar and is of sound mind.

(3) For the purposes of this Act, any reference therein to a woman who is, or has been, married shall be deemed to refer only to a woman whose marriage has been registered in accordance with any written law in force in Brunei Darussalam or in accordance with any regulations made under this Act.

(4) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after the appointed day, the status or description which would have been applicable to the father had he died after the appointed day shall be deemed to be the status or description applicable to him at the time of his death.

3. National status.

A subject of His Majesty the Sultan and Yang Di-Pertuan shall have the status of a national of Brunei Darussalam.

4. Subject of His Majesty by operation of law.

(1) On and after the appointed day the following persons, and no others, shall be subjects of His Majesty by operation of law —

(a) any person born in Brunei Darussalam before, on or after the appointed day who is commonly accepted as belonging to one of the following indigenous groups of the Malay race, namely, Belait, Bisayah, Brunei, Dusun, Kedayan, Murut or Tutong and any person born outside Brunei Darussalam before, on or after the appointed day, whose father was, at the time of birth of such person, a subject of His Majesty by operation of law under this paragraph or paragraph *(c)* (i) and was employed outside Brunei Darussalam in the service of the Government, by any company registered in Brunei Darussalam or in such special circumstances as His Majesty thinks fit, if the birth of such person was registered at a Brunei Consulate or in Brunei Darussalam within 6 months of its

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

occurrence, or such longer period as His Majesty may in any particular case allow;

[S 43/00]

(b) any person born in Brunei Darussalam before, on or after the appointed day whose father and mother were both born in Brunei Darussalam and are members of any of the groups of people specified in the First Schedule to this Act and any person born outside Brunei Darussalam before, on or after the appointed day, whose father was, at the time of birth of such person, a subject of His Majesty by operation of law under this paragraph of paragraph *(c)* (ii) and was employed outside Brunei Darussalam in the service of the Government, by any company registered in Brunei Darussalam or in such special circumstances as His Majesty thinks fit, if the birth of such person was registered at a Brunei Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty may in any particular case allow;

[S 43/00]

(c) any person born outside Brunei Darussalam before, on or after the appointed day —

(i) whose father was, at the time of birth of such person, a person born in Brunei Darussalam before, on or after the appointed day and was a person commonly, accepted as belonging to one of the following indigenous groups of the Malay race, namely, Belait, Bisayah, Brunei, Dusun, Kedayan, Murutor Tutong; or

(ii) whose father and mother were both born in Brunei Darussalam and were members of any of the groups specified in the First Schedule to this Act;

(d) any person born in Brunei Darussalam on or after the appointed day whose father was, at the time of the birth of such person, a subject of His Majesty; and any person outside Brunei Darussalam before, on or after the appointed day, whose father was, at the time of birth of such person, a subject of His Majesty and was employed outside Brunei Darussalam in the service of the Government, by any company registered in Brunei

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Darussalam or in such special circumstances as His Majesty thinks fit, if the birth of such person was registered at a Brunei Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty may in any particular case allow; and

[S 43/00]

(e) any person born outside Brunei Darussalam on or after the appointed day whose father was at the time of birth of such person a subject of His Majesty by registration under Section 5 or 6 or by naturalisation under Section 8, if the birth was registered at a Brunei Darussalam Consulate or in Brunei Darussalam within 6 months of its occurrence, or such longer period as His Majesty may in any particular case allow.

[S 43/00]

(2) His Majesty may from time to time by notification in the *Gazette* amend, repeal, add to or vary the First Schedule to this Act.

5. Subject of His Majesty by registration.

(1) Subject as hereinafter provided a person, not being a minor, born in Brunei Darussalam before, on or after the appointed day, who is not a subject of His Majesty, shall be eligible on making application in the prescribed manner to be registered as a subject of His Majesty if he satisfies His Majesty that he —

(a) has within the period of 15 years immediately preceding the date of his application for registration resided in Brunei Darussalam for periods amounting in the aggregate to not less than 12 years; and

(b) has resided in Brunei Darussalam throughout the 2 years immediately preceding the date of his application.

(2) In calculating the period of residence in Brunei Darussalam for the purposes of subsection (1) of this section any period of absence from Brunei Darussalam —

(a) for purposes of education of such kinds in such countries and during such periods as may from time to time be either generally or specially approved by His Majesty in Council* for the purposes of such subsection; or

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(b) while on duty in the service of His Majesty, where His Majesty is satisfied that such period is consistent with essential continuity of residence; or

(c) between the 1st day of July 1941 and the 31st day of December 1946, in the case of a person who was residing in Brunei Darussalam for a period of 5 years immediately preceding such absence; or

(d) for reasons of health or any other cause prescribed generally or specially by His Majesty in Council*, shall be treated as residence in Brunei Darussalam.

(3) In calculating the period of residence in Brunei Darussalam for the purposes of subsection (1) of this section any period of residence in Brunei Darussalam —

(a) during which a person was not lawfully resident in Brunei Darussalam; or

* Transferred to His Majesty the Sultan and Yang Di-Pertuan — *[S 29/95]*

(b) spent as an inmate of any prison or as a person detained in lawful custody in any place other than in a mental hospital under the provisions of any written law in Brunei Darussalam; or

(c) during which a person is allowed to remain temporarily in Brunei Darussalam under the authority of any pass or permit issued under the provisions of any written law in Brunei Darussalam, shall not be treated as residence in Brunei Darussalam: Provided that the period mentioned in paragraph *(c)* may be treated as residence with the consent of His Majesty in Council*.

(4) For the purposes of this Act a person shall be deemed to be resident in Brunei Darussalam on a particular day if he had been resident in Brunei Darussalam before that day and that day is included in any such period of absence as is referred to in subsection (2) of this section.

(5) No person shall be eligible to be registered under subsection (1) unless —

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(a) His Majesty is satisfied that he has been examined by a Language Board and such Board has advised His Majesty that he —

(i) has a knowledge of the Malay language to such a degree of proficiency as may be prescribed; and

(ii) is able to speak the Malay language with proficiency or is unable to speak such language with proficiency by reason of a physical impediment or an impediment of speech or hearing;

(b) His Majesty is satisfied that he is of good character; and

(c) he has taken the oath in the form set out in the Second Schedule.

(6) Subject as hereinafter provided a woman who —

(a) is not a subject of His Majesty; and

(b) is or has been married to a subject of His Majesty,

* Transferred to His Majesty the Sultan and Yang Di-Pertuan — *[S 29/95]*

shall, on making application therefor to His Majesty in the prescribed manner, be eligible to be registered as a subject of His Majesty, whether or not she is of full capacity:

Provided that no woman shall be eligible to be registered under this subsection —

(A) unless she —

(i) satisfies His Majesty that she is of good character; and

(ii) has taken the oath in the form set out in the Second Schedule to this Act; or

(B) if at the time of her application she has ceased to be married to a subject of His Majesty and has married a man who is not a subject of His Majesty.

(7) A person who has renounced, or has been deprived of, the status of a subject of His Majesty conferred by or under this Act, shall not be eligible to be registered as a subject of His Majesty under this section, but may be so registered with the approval of His Majesty.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

6. Registration of minors.

(1) His Majesty may cause the minor child of any subject of His Majesty to be registered as a subject of His Majesty upon application made in the prescribed manner by a parent or guardian of the child.

(2) His Majesty may, in such special circumstances as he thinks fit, cause any minor to be registered as a subject of His Majesty.

(3) For the purposes of this section "parent" in relation to a child whose adoption has been registered means the adopter.

7. Effect of registration as a subject of His Majesty.

A person registered under Section 5, 6 or subsection (4) of Section 9 shall be a subject of His Majesty as from the date on which he is registered.

8. Subject of His Majesty by naturalisation.

(1) His Majesty may, if application therefor is made to him in the prescribed manner by any person who is not a subject of His Majesty and who is of full capacity, grant to such person a certificate of naturalisation if he satisfies His Majesty that he —

(a) has within the period of 25 years immediately preceding the date of his application resided in Brunei Darussalam for periods amounting in the aggregate to not less than 20 years; and

(b) has resided in Brunei Darussalam throughout the 2 years immediately preceding the date of his application; and

(c) is of good character; and

(d) is not likely to become a charge on Brunei Darussalam; and

(e) has been examined by a Language Board and such Board is satisfied that he —

(i) has a knowledge of the Malay language to such a degree of proficiency as may be prescribed; and

(ii) is able to speak the Malay language with proficiency or is unable to speak such language with proficiency by reason of a physical impediment or an impediment of speech or hearing; and

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

(f) has made a declaration that he intends, in the event of a certificate being granted to him, to settle permanently in Brunei Darussalam.

(2) In calculating the period of residence in Brunei Darussalam for the purposes of subsection (1) of this section any period of absence from Brunei Darussalam —

(a) for purposes of education of such kinds in such countries and during such periods as may from time to time be either generally or specially approved by His Majesty in Council* for the purposes of such subsection; or

(b) while on duty in the service of His Majesty, where His Majesty is satisfied that such period is consistent with essential continuity of residence; or

(c) between the 1st day of July 1941 and the 31st day of December 1946, in the case of a person who was residing in Brunei Darussalam for a period of 5 years immediately preceding such absence; or

(d) for reasons of health or any other cause prescribed generally or specially by His Majesty in Council*,

* Transferred to His Majesty the Sultan and Yang Di-Pertuan — *[S 29/95]*

shall be treated as residence in Brunei Darussalam.

(3) In calculating the period of residence in Brunei Darussalam for the purposes of subsection (1) of this section any period of residence in Brunei Darussalam —

(a) during which a person was not lawfully resident in Brunei Darussalam; or

(b) spent as an inmate of any prison or as a person detained in lawful custody in any other place other than in a mental hospital under the provisions of any written law in Brunei Darussalam; or

(c) during which a person is allowed to remain temporarily in Brunei Darussalam under the authority of any pass or permit issued under the provisions of any written law in Brunei Darussalam, shall not be treated as residence in Brunei Darussalam:

Provided that the period mentioned in paragraph *(c)* may be treated as residence with the consent of His Majesty in Council*.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

(4) For the purposes of this Act a person shall be deemed to be resident in Brunei Darussalam on a particular day if he had been resident in Brunei Darussalam before that day and that day is included in any such period of absence as is referred to in subsection (2) of this section.

(5) The person to whom a certificate of naturalisation is granted under this section shall, on taking the oath in the form set out in the Second Schedule, be a subject of His Majesty by naturalisation as from the date on which that certificate is granted.

9. Loss of status of subject of His Majesty.

(1) Subject as hereinafter provided, where a person who is a subject of His Majesty has, at any time after the appointed day, absented himself from Brunei Darussalam, for a continuous period of 5 years and is unable to provide proof to the satisfaction of His Majesty that he has maintained substantial connection with Brunei Darussalam during that period, such person shall cease to be a subject of His Majesty.

* Transferred to His Majesty the Sultan and Yang Di-Pertuan — *[S 29/95]*

(2) A person who has absented himself from Brunei Darussalam for the aforesaid period of 5 years but who, before the expiration thereof, has made application in the prescribed manner to His Majesty for a certificate that such person is maintaining substantial connection with Brunei Darussalam shall not, because of his absence during that period, cease to be a subject of His Majesty unless and until he has been notified that such application has been refused. The grant of any such certificate shall be at the absolute discretion of His Majesty.

(3) A person who is a subject of His Majesty under Section 4(1) *(a)*, *(b)*, *(c)*, *(d)* or *(e)* shall not cease to be a subject of His Majesty under this section if, on such cesser, he would have no national status.

(4) If any person who has ceased to be a subject of His Majesty under this section, resumes residence within Brunei Darussalam, he may apply to His Majesty, in the prescribed manner and subject to any conditions that may be prescribed, for registration as a subject of His Majesty and His Majesty may, in his discretion, cause him to be registered as such.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

(5) A person who has the status of a subject of His Majesty shall cease to have such status if —

(a) he voluntarily acquires the nationality or citizenship of any State or country outside Brunei Darussalam; or

(b) being a woman who has acquired such status by registration under Proviso (B) to Section 5(6), she acquires by reason of her subsequent marriage the nationality or citizenship of her husband being the nationality or citizenship of any State or country outside Brunei Darussalam.

10. Renunciation of status of subject of His Majesty.

If any person of full capacity who is a subject of His Majesty makes a declaration in the prescribed manner of renunciation of the status of a subject of His Majesty, His Majesty shall cause the declaration to be registered; and, upon the registration, that person shall cease to be a subject of His Majesty: Provided that His Majesty may withhold registration of any such declaration if it is made during a period of emergency declared as such, at or after its commencement, by His Majesty in Council for the purposes of this section.

11. Deprivation of status of subject of His Majesty.

(1) A subject of His Majesty shall cease to have such status if he is deprived of that status by an order of His Majesty in Council made under this section.

(2) Subject to the provisions of this section, His Majesty in Council may by order deprive any person who is a subject of His Majesty —

(a) by registration; or

(b) by naturalisation,

of that status if he is satisfied that the registration of such person or the certificate of naturalisation granted to him under this Act was obtained by means of fraud, false representation or by concealment of any material fact or was made or granted by mistake:

Provided that no person shall be deprived, under the provisions of this section, of the status of a subject of His Majesty on the grounds of mistake

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

unless notice of the intention so to do has been served on him or published in the *Gazette* within 24 months of the date of registration or the grant of a certificate, as the case may be.

(3) Subject to the provisions of this section, His Majesty in Council may by order deprive any person who is a subject of His Majesty —

(a) by registration; or

(b) by naturalisation,

of that status if he is satisfied that, subsequent to registration or subsequent to the grant of a certificate of naturalisation under this Act that person —

(a) has shown himself by act or speech to have the intent to be disloyal or disaffected towards His Majesty; or

(b) has exercised any right, power or privilege to which he may be eligible by reason of any nationality or citizenship; or

(c) has, during any war in which His Majesty is engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(d) has within 5 years after registration or becoming naturalised, been sentenced in any other country to death or to imprisonment, by whatever name called, for a term exceeding 12 months and has not received a free pardon:

Provided that no order shall be made on any of the grounds specified in this subsection in the case of a subject of His Majesty who would, on being deprived of such status, have no national status; unless His Majesty in Council is, in the exercise of his discretion, satisfied that such a person is in a position effectively to enjoy the protection of some other State and to proceed thereto if he so wishes without thereby endangering his personal safety.

(4) Before making an order under this section His Majesty in Council shall cause to be given to the person against whom the order is proposed

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

to be made a notice in writing informing him of the ground on which it is proposed to be made and of his right to an inquiry under this section.

(5) If the person against whom the order is proposed to be made applies in the prescribed manner for an inquiry His Majesty in Council shall refer the case to a Committee of Inquiry consisting of a chairman, being a person possessing judicial experience, appointed by His Majesty, and of such other members appointed by His Majesty as he thinks proper.

(6) His Majesty in Council shall not make an order under this section unless he is satisfied that it is not conducive to the public good that the person against whom the order is proposed to be made should continue to be a subject of His Majesty.

12. Saving of obligations incurred before loss of national status.

Where a subject of His Majesty ceases to be a subject of His Majesty, he shall not thereby be discharged from any obligations, duty or liability in respect of any act done before he ceased to be a subject of His Majesty.

13. Decision of His Majesty not subject to appeal or review.

His Majesty shall not be required to assign any reason for the grant or refusal of any application under this Act, and the decision of His Majesty on any such application shall not be subject to appeal to or review in any court.

14. Birth on ship.

(1) Birth on board a ship registered or belonging to the Government of Brunei Darussalam shall be deemed to be birth in Brunei Darussalam.

(2) A person born on board a registered ship or on board an unregistered ship of any country shall be deemed to have been born in the place in which the ship was registered or, as the case may be, in that country.

15. Language Board.

(1) There shall be one or more Language Boards each of which shall consist of a Chairman and 2 other members appointed by His Majesty in Council*. Any such Board may act by a majority of the members thereof.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(2) It shall be the duty of a Language Board to advise His Majesty in accordance with such regulations as may be prescribed whether any person applying for registration or naturalisation under the Act has a knowledge of the Malay language to such a degree of proficiency as may be prescribed and is able to speak that language with proficiency or is unable to speak such language with proficiency by reason of a physical impediment or impediment of speech or hearing.

16. Evidence.

(1) Every document purporting to be a notice, certificate, order or declaration, or an entry in a register or a subscription of an oath, given, granted or made under this Act shall be received in evidence, and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

* Transferred to His Majesty the Sultan and Yang Di-Pertuan — *[S 29/95]*

17. Offences.

Any person who, for the purpose of procuring anything to be done or not to be done under this Act, makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, shall be guilty of an offence: Penalty imprisonment for 3 years and a fine of $10,000.

18. Power of His Majesty in Council* to make regulations.

His Majesty in Council* may by regulations make provision generally for carrying into effect the purposes of this Act, and in particular —

(a) for prescribing, anything which under this Act may be prescribed;

(b) for the registration of anything required or authorised under this Act to be registered;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

(c) for prescribing forms of declaration, the administration and taking of oaths, the time within which such oaths shall be taken and the registration of such oaths;

(d) for the giving of any notice required or authorised to be given to any person under this Act;

(e) for the procedure to be followed by a Language Board for ascertaining the ability of any person to speak the Malay language with proficiency or by persons applying for registration or for certificates of naturalisation under this Act, the evidence to be required from such person as to their qualifications for the status of a subject of His Majesty, including evidence of ability to speak the Malay language with proficiency, and for imposing penalties for requiring any consideration for supplying any reference that may be required by any prescribed form;

(f) for the issue of certified copies of documents made, and extracts from registers kept, under this Act, for the cancellation and amendment of entries in a register and of certificates and of certified copies of entries in a register and of certificates prepared under this Act and relating to persons who lose the status of a subject of His Majesty under this Act, and for requiring such documents to be delivered up for those purposes;

* Transferred to The Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — *[S 29/95]*

(g) for the imposition and recovery of fees in respect of any application made under this Act or in respect of any registration, or the making of any declaration, or the grant of any certificates, or the taking of any oath, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry given, granted or made as aforesaid; and for the application of any such fees;

(h) for the issue of certificates that a person has produced *prima facie* proof that he is a subject of His Majesty by operation of law;

(i) for the delegation of any of the powers conferred by this Act;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

(j) for the practice and procedure to be followed in connection with references under this Act to a Committee of Inquiry; and in particular for conferring on any such committee any powers, rights or privileges of any court and for enabling any powers so conferred to be exercised by one or more members of the committee;

(k) for prescribing penalties for the breach of any of the provisions of such regulations; and

(l) for providing for the publication by persons applying for certificates of naturalisation under section 8 of notice of intention to apply for such certificates, and for the hearing and disposal of any objections lodged in respect of any such notices.

FIRST SCHEDULE
(Section 4)

MEMBERS OF GROUPS OF PEOPLE WHO ARE CONSIDERED TO BE INDIGENOUS TO BRUNEI DARUSSALAM WITHIN THE MEANING OF THIS ACT

Bukitans Dayaks (sea) Dayaks (land) Kalabits Kayans

Kenyahs (including Sabups and Sipengs)

Kajangs (including Sekapans, Kejamans, Lahanans, Punans, Tanjongs and Kanowits)

Lugats Lisums Melanaus Penans Sians Tagals Tabuns Ukits

and any admixture of the above with each other, or with a subject under Section 4(1) *(a)*.

SECOND SCHEDULE

(Section 5(5) *(c)*, proviso (A)(ii) of Section 5(6) and Section 8(5))

OATHS OF ALLEGIANCE

I ..... of.....

..... hereby declare on oath that I will not exercise the rights, powers and privileges to which

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

I may be eligible by reason of any nationality or citizenship, and that I absolutely and entirely renounce and abjure all loyalty to any country, state or sovereign, and I ..... do swear that I will truly give wholehearted affection to Brunei Darussalam and do swear that I will be faithful and bear true allegiance to His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and His Successors according to the law.

Source: Commonwealth Legal Information Institute website. <http://www.commonlii.org/bn/legis//bna15277> (accessed on January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

This page intentionally left blank

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix C: Citizenship Law of Cambodia

The Khmer version is the official version of this document.

Document prepared by the MLMUPC Cambodia,
supported by ADB TA 3577 and LMAP TA GTZ.

Preah Reach Kram NS/RKM/1096/30
Promulgated on 09 October 1996

Law on Nationality
Chapter 1: General Provisions

Article 1:

This law has an objective to determine the Khmer nationality/citizenship for those persons who fulfill the conditions under this law and who are living on the territory of the Kingdom of Cambodia or abroad.

Article 2:

Any person who has Khmer nationality/citizenship, is a Khmer citizen.

Khmer citizen shall not be deprived of nationality, exiled or extradited to any foreign country, unless upon there is mutual agreement.

Article 3:

Khmer citizens who are living in foreign countries, shall:

1. be protected by the State through all diplomatic means.
2. not lose their nationality automatically.

Chapter 2: Khmer Nationality/Citizenship by Birth

Article 4:

1. Shall obtain Khmer nationality/citizenship regardless of the place of birth for:
   — any legitimate child who is born from a parent (a mother or father) who has Khmer nationality/citizenship, or
   — any illegitimate child who is born from and recognized by a parent (a mother or father) who has Khmer nationality, or
   — any child who is not recognized by the mother and father (parents), when upon the court passed a judgment stating that such child was really born from a parent (a mother or father) who has Khmer nationality/citizenship, or
2. Shall obtain Khmer nationality/citizenship, by having been born in the Kingdom of Cambodia:
   (a) any child who is born from a foreign mother and father (parents) who were born and living legally in the Kingdom of Cambodia.
   (b) any child who is born from an unknown mother or father (a parent) and a newly born child who is found in the Kingdom of Cambodia, shall also be considered as having been born in the Kingdom of Cambodia.

Chapter 3: Khmer Nationality/Citizenship by Marriage

Article 5:

A foreign man or woman who got married with a Khmer wife or husband, may demand for Khmer nationality/citizenship only if upon such man or women have been living together for a period of three (3) years, after registration of a marriage certificate.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

A formality and procedure for the demand of Khmer nationality/citizenship, shall be determined by Sub-decree.

The grant of Khmer nationality/citizenship following the case of demand for it, shall be decided by Royal-decree.

Article 6:

Khmer citizens shall not lose their Khmer nationality/citizenship because they got married with foreigners.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 4: Naturalization

Article 7:

Foreigners may apply for Khmer nationality/citizenship through naturalization.

Naturalization is not a right of the applicant, but only a favour of the Kingdom of Cambodia. In any case, such application may also be rejected by a discretionary power.

Article 8:

A foreigner who may apply for naturalization shall fulfill the following conditions:

1. Shall have a paper certifying that he/she has good behaviour and moral conduct issued by the chief of the commune (Khum) or quarter (Sangkat) of his/her own residence.
2. Shall have a letter of certification of the past criminal record which stated that he/she had never been convicted for any criminal offence before.
3. Shall have a paper certifying that such person has his/her residence in the Kingdom of Cambodia and who has been living continuously for seven (7) years from the date of reception of a residence card which was issued under framework of the Law on Immigration.

4. Shall have residence in the Kingdom of Cambodia at the time when he/she is applying for naturalization.
5. Shall be able to speak Khmer, know Khmer scripts and has some knowledges of Khmer history, and prove clear evidence that he/she can live in harmony in Khmer society as well as can get used to good Khmer custom and tradition.
6. Shall have his/her mentality and physical attitude, which will cause neither danger nor burden to the nation.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 9:

For any foreigner who is born in the Kingdom of Cambodia, the 7 years period of continuously living as stated in the sub-para 3 of the Article 8 of this law, shall instead be decreased to 3 years.

Article 10:

For any foreigner who had received a letter of authorization for investment from the Cambodian Development Council (CDC) and who had implemented concretely the actual project cost by spending an initial capital of from 1,250,000,000 riels and up, the period of living as stated in the sub-para 3 of the Article 8 of this law, shall be exempted.

Article 11:

For any foreigner who has no letter of authorization for investment from the Cambodian Development Council (CDC.), but who had received authorization for investment legitimately from the Royal Government and who had spent initial capital of from 1,250,000,000 riels and up, the period of living as stated in the sub-para 3 of the Article 8 of this law, shall be exempted.

Article 12:

Any foreigner who has made a donation in cash, to the national budget of from 1,000,000,000 riels or more, for the interest of restoration and rebuilding of economy of the Kingdom of Cambodia, may have right to file an application for Khmer nationality, in case when upon he/she has

fulfilled the conditions as stated in the sub-paragraphs 1, 2, 5 and 6 of the Article 8 of this law.

Article 13:

A foreigner who has shown evidence that he/she had offered any special merit or achievement for the interest of the Kingdom of Cambodia, may file an application for Khmer nationality and with no need to fulfill the conditions as stated in the sub-para 3 of the Article 8 of this law.

Article 14:

A foreigner who has a spouse or child/children of under 18 years of age, who also intend(s) to apply for Khmer nationality/citizenship, may file an application for naturalization in term as a family as a whole.

A family consists of a husband, wife and child/children of under 18 years old.

Article 15:

A foreigner may apply to change to a Khmer name. In such case, he/she shall specify such name in writing in his/her application for naturalization.

Article 16:

Naturalization which is granted to any person, shall be decided by a Royal-Decree.

The formality and procedure for applying for naturalization, shall be determined by a Sub-decree.

Article 17:

Those who got authorization to acquire Khmer nationality, shall take an oath before the Supreme Court.

The substance of this above oath will be provided for in a Sub-decree.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 5: Loss of Khmer Nationality

Article 18:

Any person who has Khmer nationality and who is at least 18 years old, may request without coercion to renounce his/her Khmer nationality, if upon such person has got another nationality.

Procedure and conditions for requesting the renunciation of nationality, shall be determined by a Sub-decree.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 6: Penaltie

Article 19:

Only those persons of Khmer nationality, may have right to receive and hold identity cards of Khmer nationality and passports of the Kingdom of Cambodia.

Article 20:

Any foreigner who holds or uses identity card of Khmer nationality or passports of the Kingdom of Cambodia, shall be punished to imprisonment from 5 (five) years to 10 (ten) years.

Article 21:

Any person who fakes, scratches to erase, rewrite over or lends to someone or write a falsified name on the identity card of Khmer nationality or passport of the Kingdom of Cambodia or who uses these documents, shall be punished to imprisonment from 5 (five) to 10 (ten) years.

Article 22:

Any official or government agent or any person who conspires, helps dissimulating or provides identity card of Khmer nationality or passport to any person who has no Khmer nationality/citizenship, shall be subject to the same punishment term as of the case of a person who is illegally

holding the identity card of Khmer nationality or passport as stated in the Articles 20 and 21 of this law.

Chapter 7: Final Provisions

Article 23:

Any provisions which is contrary to this law, shall be hereby repealed.

Source: UNHCR The UN Refugee Agency website. <http://www.unhcr.org/refworld/docid/3ae6b5210.htmll> (accessed on January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

This page intentionally left blank

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix D: Citizenship Law of Indonesia

DECREE OF THE REP. OF INDONESIA NUMBER 12 YEAR 2006 ON CITIZENSHIP OF THE REP. OF INDONESIA

IN THE NAME OF GOD ALMIGHTY

THE PRESIDENT OF THE REP. OF INDONESIA

Considering:

a. that in accordance with Pancasila and the 1945 Constitution, the Republic of Indonesia guarantees the potential, dignity of its peoples with respect to their human rights;
b. that citizenship is a basic right and fundamental element of the state with rights and obligations that must be protected and ensured;
c. that Law Number 62/1958 on Citizenship of the Rep. of Indonesia which was amended by Law Number 3/1976 on Revisions to Article 18 Law No. 62/1958 on Citizenship of the Rep. of Indonesia are now no longer in line with the development of the civic administration of the Rep. of Indonesia and thereby should be annulled and replaced with a new decree;
d. that based on deliberations of the above Items a, b and c, the formulation of a Law on Indonesian Citizenship is deemed necessary;

In view of:

Article 20, Article 21, Article 26, Article 27, Article 28B Paragraph (2), Article 28D Paragraph (1) and (4), Article 28E Paragraph (1), Article 281 Paragraph (2), and Article 28J of the 1945 Constitution;

In Mutual Agreement the
PEOPLE'S REPRESENTATIVE COUNCIL
OF THE REP. OF INDONESIA
and
THE PRESIDENT OF THE REP. OF INDONESIA
DECIDES TO:

Stipulate: LAW ON CITIZENSHIP OF THE REPUBLIC OF INDONESIA

CHAPTER I
GENERAL PROVISIONS

Article 1

Within this decree, the definitions of the following terms are:

1. Citizen of a state is the citizen of a certain state as determined by law.
2. Citizenship includes all matters pertaining to the citizen of a state.
3. Naturalization is the procedures applied to aliens in acquiring Indonesian Citizenship by forwarding an application.
4. Minister is the minister whose duties and responsibilities encompass the Citizenship of the Rep. of Indonesia.
5. Official is a person mandated by the Minister to handle matters pertaining to Indonesian Citizenship.
6. Each person is considered an individual, including corporations.
7. Representative of the Rep. of Indonesia is the Embassy of the Rep. of Indonesia, Consulate General of the Rep. of Indonesia, Consulate of the Rep. of Indonesia, or Permanent Representative of the Rep. of Indonesia.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 2

Indonesian Citizens are native Indonesian people and other nationalities whom are formally legalized under law as citizens of the Rep. of Indonesia.

Article 3

Citizenship of the Rep. of Indonesia may only be acquired through certain requirements provided in this decree:

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

CHAPTER II
CITIZEN OF THE REP. OF INDONESIA

Article 4

A Citizen of the Rep. of Indonesia is:

(1) All persons whom by law and/or based on agreements between the Government of the Rep. of Indonesia and other countries prior to the application of this Decree have already become Citizens of the Rep. of Indonesia;
(2) Children born through legal wedlock from an Indonesian father and mother;
(3) Children born through legal wedlock from an Indonesian father and an alien mother;
(4) Children born through legal wedlock from an alien father and an Indonesian mother;
(5) Children born through legal wedlock from an Indonesian mother and a stateless father or whose country does not provide automatic citizenship to their offspring;
(6) Children born within 300 (three hundred) days after the father has passed away, under legal wedlock, and whose father is an Indonesian citizen;
(7) Children born out of legal wedlock from an Indonesian mother;
(8) Children born out of legal wedlock from an alien mother who is claimed by the Indonesian father as his natural child and such claim is declared before the child reaches the age of 18 (eighteen) or before the child has married;

(9) Children born in Indonesian territory whose parents are of undetermined citizenship at the time of the child's birth;
(10) Children newly born and found in Indonesian territory and whose parent's are undetermined;
(11) Children born in Indonesian territory whom at the time of birth both parents were stateless or whose whereabouts are undetermined;
(12) Children born outside the Rep. of Indonesia from an Indonesian father and mother whom due to law prevailing in the country of birth automatically provides citizenship to the child;
(13) Children born from a father and mother who was granted citizenship and died before the parents had sworn their allegiance.

Article 5

a. Children of Indonesian Citizens born out of legal wedlock, under the age of 18 (eighteen) and are unmarried who are not legally adopted by their alien father continues to be considered as a Citizen of the Rep. of Indonesia.
b. Indonesian citizen children under the age of 5 (five) who are legally adopted by foreign citizens through legal proceedings continues to be considered as Citizens of the Rep. of Indonesia.

Article 6

(1) The Indonesian citizenship status of children as determined in Article 4 Items c, d, h, and i, and Article 5 will effect in the dual citizenship of the child. Upon reaching the age of 18 (eighteen) or upon marriage, the child must choose one citizenship.
(2) The decision to choose one of the citizenships as stipulated in Paragraph (1) shall be made in writing and forwarded to Officials and attach documents as determined by regulations.
(3) The decision to choose one citizenship as mentioned in Paragraph (2) shall be made within 3 (three) years after the child has reached the age of 18 (eighteen) or the child has married.

Article 7

All persons who are not Citizens of the Rep. of Indonesia shall be treated as alien persons.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

CHAPTER III
REQUIREMENTS AND PROCEDURES FOR ACQUIRING CITIZENSHIP OF THE REP. OF INDONESIA

Article 8

Citizenship of the Rep. of Indonesia may be acquired through naturalization.

Article 9

Requests for naturalization may be forwarded by the applicant upon meeting the following requirements:

a. Aged 18 (eighteen) or married;
b. At the time of forwarding the application, the applicant has resided in Indonesian territory for at least 5 (five) consecutive years or at least 10 (ten) years intermittently;
c. Sound in health and mind;
d. Able to speak Bahasa Indonesia and acknowledges the state basic principles of Pancasila and the 1945 Constitution;
e. Was never legally prosecuted due to acts of crime and sentenced jail for 1 (one) year or more;
f. Upon acquiring Indonesian Citizenship, will relinquish any other citizenship;
g. Employed and/or has a steady income; and
h. Pay a naturalization fee to the Government Treasury.

Article 10

(1) Applications for naturalization should be forwarded in Indonesia in writing by the applicant using Bahasa Indonesia, on paper affixed with sufficient duty stamp and addressed to the President of the Rep. Of Indonesia through the Minister;
(2) Application for naturalization documents as mentioned in Paragraph (1) should be forwarded to the Official.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 11

The Minister shall relay the applications as mentioned in Article 10 with his/her recommendations to the President within 3 (three) months since the application is received.

Article 12

(1) Requests for naturalization are charged a certain fee.
(2) The fee as mentioned in Paragraph (1) is administered through a Government Regulation.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 13

(1) The President shall grant or reject requests for naturalization.
(2) The granting of requests for naturalization as mentioned in Paragraph (1) is determined through a Presidential Decree.
(3) The Presidential Decree as stipulated in Paragraph (2) shall be determined at the most 3 (three) months since the application is received by the Minister and will be informed to the applicants within 14 (fourteen) days since the Presidential Decree is issued.
(4) Rejection of naturalization as mentioned in (1) must be supported by reasons and informed by the Minister to the incumbent at the most within 3 (three) months since the application was received by the Minister.

Article 14

(1) The Presidential Decree granting naturalization shall become effective upon the date the applicant has declared their Oath or has Sworn Allegiance.
(2) At the most 3 (three) months since the Presidential Decree is sent to the applicant, the Official shall call the applicant to Swear their Allegiance
(3) If after receiving a written summons from the Official to be sworn in or declare allegiance the applicant fails to show up without legible

reasons within the allotted time, the Presidential Decree is therefore be annulled by law.

(4) Should the applicant be unable to declare their allegiance within the allotted time due to faults of the Official, the applicant may be sworn in or declare their allegiance in front of another Official as mandated by the Minister.

Article 15

(1) Declaration of Sworn Allegiance as mentioned in Article 14 Paragraph (1) shall be carried out in front of an Official.

(2) The Official as mentioned in Paragraph (1) shall provide a report on the implementation of the swearing in or declaration of sworn allegiance.

(3) Within 14 (fourteen) days since the date of sworn allegiance, the Official as stipulated in Paragraph (1) will submit a report on the swearing in ceremony or declaration of sworn allegiance to the Minister.

Article 16

The declaration of sworn allegiance as mentioned in Article 14 Paragraph (1) is as follows:

Following are the words for those being sworn in:

In the name of God Almighty, I swear to relinquish all my loyalty to alien sovereignty, acknowledge, adhere to, and declare loyalty to the United Republic of Indonesia, Pancasila, and the 1945 Constitution and will earnestly defend it and carry out all obligations demanded by the country unto me as a Citizen of the Republic of Indonesia willingly and sincerely.

Words for the declaration of sworn allegiance are:

I promise to relinquish all my loyalties to foreign sovereigns and acknowledge, adhere to, and be loyal to the United Republic of Indonesia, Pancasila, and the 1945 Constitution and will earnestly defend it and carry out all obligations demanded by the country unto me as a Citizen of the Republic of Indonesia willingly and sincerely.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 17

After the declaration of allegiance, the applicant is required to submit documents or immigration papers in his/her name to the Immigration Office within 14 (fourteen) work days since the date of swearing in or declaration of allegiance.

Article 18

(1) Copies of the Presidential Decree on naturalization as mentioned in Article 14 Paragraph (1) and report on the declaration of allegiance ceremony from the Official mentioned in Article 15 Paragraph (2) becomes legal proof of Indonesian Citizenship for a person who has been granted citizenship.
(2) The Minister shall announce the names of people who have received citizenship as mentioned in Paragraph (1) within the Government Newsletter of the Rep. of Indonesia.

Article 19

(1) Foreign citizens legally married to Indonesian citizens may acquire Indonesian citizenship by declaring citizenship in front of the Official.
(2) Such declaration as mentioned in Paragraph (1) may be carried out if the incumbent has already resided in Indonesia for a minimum of 5 (five) consecutive years or at least 10 (ten) year intermittently, unless the acquisition of such citizenship shall render them with double citizenship.
(3) In the event that the applicant is denied Indonesian citizenship on account of avoiding double citizenship as stipulated in Paragraph (2), the applicant may be given a permanent residence permit in line with prevailing law.
(4) Further provisions on procedures for applying Indonesian citizenship as mentioned in Paragraph (1) and Paragraph (2) is provide in the Ministerial Regulation.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 20

Alien persons deserving merit for services to the Rep. of Indonesia or for the country's best interests may be given Indonesian citizenship by the President after receiving the deliberations of the People's Representative Council, unless the granting of such citizenship shall result in double citizenship to the said person.

Article 21

(1) Children below the age of 18 (eighteen) or unmarried who are present and living in Indonesian territory, born from parents who have acquired Indonesian citizenship shall automatically become citizens of the Republic of Indonesia.
(2) Children of foreign nationalities below the age of 5 (five) who are adopted through legal proceedings as children of Indonesia citizens will thereby acquire Indonesian citizenship.
(3) In the event that children under Paragraph (1) and Paragraph (2) acquire double citizenship, the child should choose one of either citizenship as stipulated in Article 6.

Article 22

Further provisions on procedures for acquiring Indonesian citizenship is administered by the Government Regulation.

CHAPTER IV
LOSS OF INDONESIAN CITIZENS

Article 23

An Indonesian citizen will lose their citizenship due to the following:

a. Acquires another citizenship voluntarily;
b. Will not refuse or will not relinquish other citizenship when the incumbent has the opportunity to do so;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

c. Is declared of having relinquished their citizenship by the President at their voluntary request, the person is aged above 18 (eighteen) or has married, is living abroad, and with the relinquishment of their citizenship does not become stateless because of it;
d. Has entered into foreign military service without prior approval from the President;
e. Has voluntarily entered into the services of foreign entities in a position where by law, such a position in Indonesia is only reserved for citizens of the Republic of Indonesia;
f. Has voluntarily declared allegiance to a foreign country or part of the said foreign country;
g. Was not obligated but has voluntarily participated in a referendum that is civic in nature for a foreign country;
h. Possesses a passport or travel document equivalent to a passport from a foreign country or a letter that may be construed as a valid citizenship identity from another country on his/her name; or
i. Living outside the territories of the Rep. of Indonesia for 5 (five) consecutive years for non official purposes, without legal reason and deliberately refuses to declare their intention to remain as Indonesian citizens before the 5 (five) year limit ends, and in each of the next 5 (five) years the said person fails to declare their intention of retaining their citizenship to the Indonesian Representative offices in which the said person's residence is under their jurisdiction although the said Representative Office has duly informed them in writing, as long as the incumbent does not become stateless because of such negligence.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Article 24

Provisions stipulated in Article 23 Item d are not applicable to those pursuing education in other countries which applies military service as a compulsory requirement.

Article 25

(1) Loss of Indonesian citizenship of the father does not automatically apply to their children who retains legal relations with their fathers until the child is aged 18 (eighteen) or has married.

(2) Loss of Indonesian citizenship of the mother does not automatically apply to their children who do not have legal relations with their fathers until the child is aged 18 (eighteen) or has married.
(3) The loss of Indonesian citizenship upon acquiring other citizenship by the mother due to annulment of marriage does not automatically apply to her children until the child reaches the age of 18 (eighteen) or has married.
(4) The status of Indonesian citizenship of the children as mentioned in Paragraph (1), Paragraph (2) and Paragraph (3) will result in double citizenship to the child, therefore upon reaching the age of 18 (eighteen) or marriage, the child should declare to choose one of either citizenship as stipulated in Article 6.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 26

(1) Female citizens of the Rep. of Indonesia who marry male citizens of foreign nationality will automatically lose their Indonesian citizenship if by law of her husband's country, the citizenship of the wife will follow that of the husband as a result of their union;
(2) Male citizens of the Rep. of Indonesia who marry female citizens of foreign nationality will automatically lose their Indonesian citizenship if by law of his wife's country, the citizenship of the husband will follow that of the wife as a result of their union;
(3) To retain their Indonesian citizenship, women as stipulated in Paragraph (1) or men as stipulated in Paragraph (2) may submit a letter stating their preference to the Official or to the Embassy of Indonesia whose jurisdiction covers the domicile of the said women or men above, unless such statements will result in double citizenship of the applicants.
(4) The statement letter as mentioned in Paragraph (3) may be forwarded by the female as mentioned in Paragraph (1) or the male as mentioned in Paragraph (2) after 3 (three) years since the date of their marriage.

Article 27

Loss of citizenship by the husband or wife tied by legal wedlock does not result in the loss of citizenship of the respective wife or husband.

Article 28

A person acquiring Indonesian citizenship based on further information to be proved false or forged, not valid, or due to discrepancies made by an authorized institution, is declared void and their citizenship is annulled.

Article 29

The Minister shall announce all persons who have lost their Indonesian citizenship in the Government Newsletter of the Rep. of Indonesia.

Article 30

Further provisions on requirements and procedures for the loss and annulment of Indonesian citizenship are provided in the Government Regulations.

CHAPTER V
REQUIREMENTS AND PROCEDURES FOR REGAINING CITIZENSHIP OF THE REP. OF INDONESIA

Article 31

A person who has lost their Indonesian citizenship may regain their citizenship through naturalization procedures as stipulated in Articles 9 to Article 18 and Article 22.

Article 32

(1) Indonesian citizens who have lost their citizenship as mentioned in Article 23 Item i, Article 25, and Article 26 Paragraph (1) and Paragraph (2) may regain their Indonesian citizenship by forwarding a written application to the Minister without going through the procedures as mentioned in Article 9 to Article 17.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(2) Should the applicant as mentioned in Paragraph (1) be living outside the territories of the Rep. of Indonesia, such application may be forwarded via the Indonesian Representative Office whose jurisdiction covers the incumbent's address.
(3) Requests to reinstate Indonesian citizenship may be forwarded by men or women who have lost their citizenship due to provisions as stipulated in Article 26 Paragraph (1) and Paragraph (2) upon annulment of marriage.
(4) The Head of the Indonesian Representative Office as mentioned in Paragraph (2) will forward their application to the Minister within 14 (fourteen) days after receiving such applications.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 33

The acceptance or the refusal of applications to regain Indonesian citizenship will be given within 3 (three) months by the Minister or Official since the date the application was first received.

Article 34

The Minister shall announce the names of persons who have regained their Indonesian citizenship in the Government Newsletter of the Rep. of Indonesia.

Article 35

Further provisions on the requirements and procedures for regaining Indonesian citizenship are provided in the Government Regulations.

CHAPTER VI
PROVISIONS FOR CRIMINAL ACTS

Article 36

(1) Failure by Officials whom due to their negligence to perform their appointed duties and responsibilities as mentioned in this Decree

causing the loss of a person's right to acquire or regain and/or lose their Indonesian citizenship is punishable by 1 (one) year incarceration in jail.

(2) Deliberate acts of crime as mentioned in Paragraph (1) is punishable by 3 (three) years incarceration in jail.

Article 37

(1) Persons who deliberately provide false information, including false information under oath, submit false letters or documents by forging the said letters and documents to acquire Indonesian citizenship or regain Indonesian citizenship is punishable by at least 1 (one) year incarceration in jail and a maximum of 4 (four) years in incarceration in jail and is subjected to a fine of at least Rp250,000,000,00 (two hundred and fifty million rupiahs) and a maximum fine of Rp1,000,000,000,00 (one billion rupiah).

(2) Persons who deliberately use false information, including false information under oath, (submit false letters or documents by forging the said letters and documents to acquire Indonesian citizenship or regain Indonesian citizenship is punishable by at least 1 (one) year incarceration in jail and a maximum of 4 (four) years in incarceration in jail and is subjected to a fine of at least Rp250,000,000,00 (two hundred and fifty million rupiahs) and a maximum fine of Rp1,000,000,000,00 (one billion rupiah).

Article 38

(1) In the event that such crime as stipulated in Article 37 is done by a corporate, criminal punishment is applied to the corporate and/or management acting on behalf and for the corporation.

(2) The corporate as mentioned in Paragraph (1) is punishable by a criminal fine of at least Rp1,000,000,000,00 (one billion rupiah) and a maximum of Rp5,000,000,000,00 (five billion rupiah) and their license is thereby withdrawn.

(3) The corporate management as mentioned in Paragraph (1) is punished to at least 1 (one) year to 5 (five) years incarceration in jail and is fined by at least Rp1,000,000,000,00 (one billion rupiah) to a maximum amount of Rp5,000,000,000,00 (five billion rupiah).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

CHAPTER VII
TRANSITION CLAUSES

Article 39

(1) Requests for naturalization, statements to retain Indonesian citizenship, or requests to regain Indonesian citizenship submitted to the Minister prior to the promulgation of this Decree remains valid and is currently under process and will be finalized based on Law No. 62/1958 on Citizenship of the Rep. of Indonesia as revised by Law No. 3/1976 on Revisions to Article 18 of Law No. 62/1958 on Citizenship of the Rep. of Indonesia.
(2) If the requests or statements as mentioned in Paragraph (1) have been process but not yet finalized upon the implementation of this Decree, these requests and statements will then be finalized in accordance with this Decree.

Article 40

Requests for naturalization, statements to retain Indonesian citizenship or requests to regain Indonesian citizenship that have been forwarded to the Minister prior to the implementation of this Decree which have not been processed, will be finalized in accordance with this Decree.

Article 41

Children born according to Article 4 Item c, Item d, Item h, and Item I and children who are acknowledged or legally adopted as mentioned in Article 5 prior to the implementation of this Decree and is under the age of 18 (eighteen) and unmarried is entitled to Indonesian citizenship according to this Decree (by registering to the Minister through the Official or Indonesian Representative Office) within 4 (four) years after this Decree is promulgated.

Article 42

Indonesian citizens living outside the territories of the Rep. of Indonesia for 5 (five) years or more who have failed to report themselves to the

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Indonesian Representative Office and who have lost their Indonesian citizenship before this Decree is implemented, are entitled to regain their citizenship by registering at the Indonesian Representative Office within 3 (three) years after this Decree is promulgated providing such requests will not result in double citizenship.

Article 43

Further provisions on procedures for registering as mentioned in Article 41 and Article 42 is provided in Minister Regulations to be determined at the latest within 3 (three) years since this Decree is promulgated.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

CHAPTER VIII
CLOSING

Article 44

Upon the date this Decree becomes effective:

a. Law Number 62/1958 on Citizenship of the Rep. of Indonesia (State Gazette of the Rep. of Indonesia No. 113/1958, Addendum to the State Gazette No. 1647) as revised through Law No. 3/1976 on Revisions to Article 18 Law No. 62/1958 on Citizenship of the Rep. of Indonesia (State Gazette of the Rep. of Indonesia No. 20/1976, Addendum to the State Gazette No. 3077) is therefore annulled and declared void;
b. Regulations for the implementation of Law No. 62/1958 on Citizenship of the Rep. of Indonesia as revised through Law No. 3/1976 on Revisions to Article 18 Law No. 62/1958 on Citizenship of the Rep. of Indonesia continues to be applicable as long as its application does not conflict or has not been replaced according to provisions contained in this Decree.

Article 45

Regulations for the implementation of this Decree must be determined at the latest within 6 (six) months since this Decree is promulgated.

Article 46

This Decree shall be effective upon the date of stipulation.

In order that all persons concerned is informed, instructs the announcement of this Decree within the State Gazette of the Rep. of Indonesia.

Stipulated in Jakarta
On August 1st, 2006
PRESIDENT OF THE REP. OF INDONESIA

-signature-

SUSILO
BAMBANG YUDHOYONO

Endorsed in Jakarta
Date: August 1st, 2006
MINISTER OF JUSTICE AND HUMAN RIGHTS OF THE REP. OF INDONESIA,

signature

HAMID AWALUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2006 NUMBER 63

This copy is in accordance with the original
STATE SECRETARY OF REPUBLIC INDONESIA
Deputy of the State Minister for Legislation.

Abdul Wahid

Source: [Note] Explanation to the degree has been omitted. The above text is taken from <http://www.unhcr.org/refworld/docid/4538aae64.html> (accessed on 28 December 2012).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

This page intentionally left blank

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix E: Citizenship Law of Laos

President's Office No. 35/PO

DECREE

of the

PRESIDENT

of the

LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Lao Nationality

Pursuant to Chapter VI, Article 67, paragraph 1 of the Constitution of the Lao People's Democratic Republic, on the promulgation of the Constitution and of laws that have been adopted by the National Assembly;

Pursuant to Resolution No. 05/NA, dated 17 May 2004, of the National Assembly of the Lao People's Democratic Republic, on the adoption of the Law on Lao Nationality (amended version); [and]

Pursuant to Letter No. 17/SC, dated 25 May 2004, of the Standing Committee of the National Assembly.

The President of the Lao People's Democratic Republic

Decrees That:

Article 1. The Law on Lao Nationality is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 15 June 2004
President of the Lao People's Democratic Republic
[Seal and Signature]
Khamtay SIPHANDONE

National Assembly No. 05/NA 17 May 2004

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

LAW ON LAO NATIONALITY

Chapter 1
General Provisions

Article 1. Purpose

The Law on Lao Nationality defines principles and rules on the acquisition and forfeiture of Lao nationality with the aim of administering and monitoring the citizens effectively according to the laws and regulations, [in order] to improve the dignity of citizens and [their] responsibility to the nation, to educate and extend solidarity and [compassion] to the nation of the Lao people, [to encourage] good traditional practices, and to strengthen the relationship between the Lao People's Democratic Republic as the State and Lao citizens.

Article 2. Lao Nationality

Lao nationality is a political and legal relationship closely linking an individual to the Lao People's Democratic Republic [such relationship] confers rights and obligations of citizenship upon the individual towards the Lao People's Democratic Republic, and confers rights and obligations upon the Lao People's Democratic Republic towards such citizen.

An individual holding Lao nationality is a Lao citizen.

Article 3. One Nationality Only

The Lao People's Democratic Republic does not authorize Lao citizens to hold several nationalities at the same time.[1]

Article 4. Preservation of Lao Nationality

The marriage of a Lao citizen with or the divorce of a Lao citizen from individuals holding other nationalities or without nationality will not alter their Lao nationality.

Acquisition or forfeiture of Lao nationality will not induce any change in the nationality of the other spouse.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Article 5. Protection of Lao Citizens Overseas

The Lao People's Democratic Republic administers and protects the legitimate rights and interests of Lao citizens residing overseas.

Article 6. Non-Extradition of Lao Citizens

The Lao People's Democratic Republic shall not extradite its citizens to a foreign state.

Article 7. Foreign Individual, Alien and Apatrid

A "foreign individual"[2] is a person holding another nationality who enters the Lao People's Democratic Republic [either] temporarily or for a longer period in order to fulfill certain tasks and [who,] after completion of the tasks[,] may return to his[3] home country. This kind of individual is under

---

[1]The translators are aware that this Article is arguably inconsistent with Article 15.

[2]The quotation marks have been added and are not in the original text.

[3]The reader should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interests of simplicity and consistency.

the management of the Ministry of Foreign Affairs and other concerned[4] authorities.

An "alien"[5] is an individual holding another nationality who enters to reside and live in the Lao People's Democratic Republic for a long period, who holds an alien identification card, and whose government still regards him as its citizen.

An "apatrid"[6] is an individual residing in the territory of the Lao People's Democratic Republic who is not a Lao citizen and who is unable to certify his nationality.

Aliens and apatrids are under the administration of the Ministry of Security and concerned authorities.

"Foreign citizens"[7] under this law include foreign individuals and aliens.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Article 8. Right to Request Naturalization to Other Nationalities

Lao citizens have the right to request naturalization to other nationalities but they must first relinquish their Lao nationality.

Relinquishment of Lao nationality is provided for in Article 18 of this law.

Chapter 2

Acquisition of Lao Nationality

Article 9. Basis for the Acquisition of Lao Nationality

Lao nationality is acquired from:

1. Birth;
2. Naturalization;

---

[4]The word "concerned" is used in the sense or "relevant" or "tasked with responsibility over".

[5]The quotation marks have been added and are not in the original text.

[6]The quotation marks have been added and are not in the original text.

[7]The quotation marks have been added and are not in the original text.

3. Re-acquisition of Lao nationality; [and]
4. Other bases as provided in Articles 11 to 14 of this law.

Article 10. Nationality of Children Whose Parents are Lao Citizens

Children born to parents both holding Lao citizenship will be considered Lao citizens without taking into consideration whether they were born inside or outside the territory of the Lao People's Democratic Republic.

Article 11. Nationality of Children Where One of the Parents is a Lao Citizen

If one of the parents is a Lao citizen, children will be considered Lao citizens by birth if:

1. They are born within the territory of the Lao People's Democratic Republic; [or]
2. They are born outside the territory of the Lao People's Democratic Republic, but both parents or one of the parents has at that time a permanent address in the territory of the Lao People's Democratic Republic.

In the event that children are born outside the territory of the Lao People's Democratic Republic and both parents have permanent addresses outside the territory of the Lao People's Democratic Republic, their nationality will be decided by their parents.

In the event that one of the parents is a Lao citizen and the other parent is an apatrid, the children will be considered Lao citizens by birth without taking their place of birth into consideration.

Article 12. Nationality of Children Born to Apatrid Parents

Children born in the territory of the Lao People's Democratic Republic to apatrid parents permanently residing in the Lao People's Democratic

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Republic and integrated into the Lao society and culture will acquire Lao citizenship if requested by their parents.

Article 13. Nationality of Children Whose Parents' Identity is Unknown

Children found in the territory of the Lao People's Democratic Republic and whose parents' identity is unknown will be considered Lao citizens.

In the event that, while such children are still under eighteen years of age, evidence [is found that] demonstrates that their parents are foreign citizens they will be considered foreign citizens from birth.[8]

Article 14. Acquisition of Lao Nationality by Foreign Citizens or Apatrids

Foreign citizens or apatrid individuals may acquire Lao nationality upon request if:

1. They are eighteen years of age or more when requesting Lao nationality;
2. They respect the Constitution and the laws of the Lao People's Democratic Republic;
3. They speak, read and write fluently in Lao;
4. They possess evidence of their social and cultural integration [and their] knowledge of and respect for Lao traditions;
5. They are in good health, and are not suffering from any serious infectious disease or drug addiction;
6. They have not been sentenced by any court to imprisonment;
7. They participate in the protection and development of the country;
8. They have not caused harm to the national interest;
9. They agree to relinquish their previous nationality (unless they have no nationality);
10. They have [established] continuous permanent residence in the Lao People's Democratic Republic for ten years before requesting Lao

[8]For readability, the structure of this sentence has been modified.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

nationality, although the time limit may be reduced for individuals whose professional qualifications are at an expert level; [and]

11. They have professions and qualifications in certain areas and have a stable economic status.

Article 15. Acquisition of Lao Nationality by Individuals of Lao Race

Individuals who are of the Lao race may acquire Lao nationality upon their request [provided that they satisfy all] the conditions provided in Article 14 of this law, except for paragraph 9.

[The minimum period of residency] is five years for individuals who have acquired other nationalities, and three years for individuals who have no other nationality.

Article 16. Applications Relating to Lao Nationality

An application to acquire, relinquish or re-acquire Lao nationality within the Lao People's Democratic Republic shall be sent to the Ministry of Justice after being processed by each of the following organisations [in this order]:

1. village administration;
2. district or municipal administration;
3. provincial or city administration;
4. the National Assembly members in the constituency (for monitoring);[9] and
5. the Ministry of Security.

When submitting an application relating to Lao nationality as provided above, the concerned individuals shall appear in person to attest to

[9] The application to acquire, relinquish or re-acquire Lao Nationality is sent to the National Assembly member in the applicant's constituency for the sole purpose of monitoring activities of the constituency, and not for the purpose of deciding upon the application, which is addressed in the last paragraph of Article 16.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

the truthfulness of the [matters set out in their application] documents: their historical background, their ability to speak, read and write the Lao language, their integration into Lao society and culture and other [facts about] such concerned individuals, as provided in Article 14 of this law.

For Laotians residing overseas who wish to relinquish Lao nationality, the application shall be sent to the Ministry of Justice after being processed by each of the following organisations [in this order]:

1. The embassy or consulate of the Lao People's Democratic Republic in that country;
2. The Ministry of Foreign Affairs; [and]
3. The Ministry of Security.

In the event that there is no Lao embassy in that country, the application shall be sent to the Ministry of Foreign Affairs of the Lao People's Democratic Republic.

After receiving the application, the Ministry of Justice shall examine the application, and if any information is unclear, the Ministry shall request further information from concerned parties. If all requirements are fulfilled, the Ministry shall propose the disposition of the application to the government and forward it to the Standing Committee of the National Assembly for consideration.[10]

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 3

Forfeiture and Re-acquisition of Lao Nationality

Article 17. Causes Leading to the Forfeiture of Lao Nationality

Lao nationality will be forfeited if:

1. Lao nationality is relinquished;
2. Lao nationality is withdrawn; [or]
3. [The concerned party] has migrated to another country.

[10] The single Lao word translated as "consideration", when applied to the authorities, includes a connotation that the person considering a matter also has the authority to decide such matter.

An individual's forfeiture of nationality shall not change the nationality of the individual's husband or wife or children.

Article 18. Relinquishment of Lao Nationality

Lao citizens may relinquish Lao nationality with the authorization of the Standing Committee of the National Assembly of the Lao People's Democratic Republic.

The relinquishment of Lao nationality will not be authorized if:

1. The applicant has not fully discharged his duties as a citizen towards the State or society, such as tax and other obligations;
2. The applicant is an accused, a defendant or is being prosecuted in a people's court whose decision has not yet been executed; [or]
3. The relinquishment of Lao nationality is contrary to the interests or security of the Lao People's Democratic Republic.

Article 19. Withdrawal of Lao Nationality

An acquired Lao nationality may be withdrawn within a period of ten years from the day it is acquired if it is found that:

1. The acquisition of Lao nationality was in contravention of the laws; [or]
2. The concerned individual has dishonored his Lao citizenship, for instance by committing treason or causing damage to the nation.

The withdrawal of Lao nationality will not alter the nationality of the concerned individual's spouse or children.

Article 20. Residing in Other Countries

An individual shall forfeit Lao nationality [in the following circumstances:] he has resided in other countries for more than seven years

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

without authorization; his authorization to reside overseas has expired and he is not under the administration of the embassy or consulate of the Lao People's Democratic Republic in those countries; or he has not maintained any legal connection with the Lao People's Democratic Republic for more than ten years.[11]

Article 21. Re-acquisition of Lao Nationality

Individuals who have forfeited Lao nationality may re-acquire it if their requests are authorized by the Standing Committee of the National Assembly of the Lao People's Democratic Republic.

Applicants for the re-acquisition of Lao nationality must provide evidence of their former Lao nationality.

Individuals whose Lao nationality has been withdrawn shall not re-acquire Lao nationality.

Chapter 4

Nationality of Children upon Alteration of Their Parents' Nationality

Article 22. Nationality of Children

If both parents acquire or relinquish Lao nationality, the nationality of their children of less than eighteen years of age will change to their parents' nationality, except if such children have married in accordance with the laws.

Article 23. Nationality of Children Where One Parent has Acquired Lao Nationality

If one parent acquires Lao nationality while the other parent holds another nationality, the children may acquire Lao nationality upon the request of

[11] For readability, the punctuation and structure of this sentence have been modified.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

the parent holding Lao nationality. Children who are Lao citizens, who are above fifteen years of age but less than eighteen years of age and married in accordance with the laws, may choose the nationality of [either] parent.

If one parent has acquired Lao nationality while the other parent is an apatrid, their children residing in the territory of the Lao People's Democratic Republic will be considered Lao citizens.

If one parent has acquired Lao nationality while the other parent is an apatrid, their children residing outside the territory of the Lao People's Democratic Republic may acquire Lao nationality upon the request of the parent holding Lao nationality.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Article 24. Nationality of Children Where One Parent has Relinquished Lao Nationality

If one parent has relinquished Lao nationality while the other parent has maintained Lao nationality, the children will maintain Lao nationality.

Article 25. Nationality of Adopted [Foreign] Children

Foreign[12] or apatrid children adopted by Lao citizens will be considered Lao citizens.

Foreign or apatrid children adopted by a married couple where one spouse is a Lao citizen and the other spouse is a foreign citizen or apatrid will be [deemed] to hold Lao nationality in accordance with the agreement of the adoptive parents.

Article 26. Nationality of Adopted Lao Children

Children holding Lao nationality and adopted by a married couple where one spouse is a Lao citizen and the other is a foreign citizen will maintain

[12] The word "foreign", as used in this Article and applied to children, is used in its generic, non-technical sense and does not refer to the categories of foreign citizen, foreign individual or alien used in other parts of this law.

their Lao nationality. Such children may relinquish Lao nationality upon the request of the adoptive parents.

Children holding Lao nationality and adopted by apatrid persons or by a married couple where one [spouse] is a Lao citizen and the other [spouse] is an apatrid will maintain their Lao nationality.

Chapter 5

Determination and Conferring of Lao Nationality

Article 27. Determination of Nationality

The attribution, withdrawal, relinquishment and re-acquisition of Lao nationality are decided by the Standing Committee of the National Assembly of the Lao People's Democratic Republic.

Approvals pertaining to Lao nationality shall be determined on a yearly basis [in accordance with each year's quota].

Article 28. Conferring Lao Nationality

Conferring Lao nationality shall be the mandate of the National Assembly committee at the concerned constituency, which shall organise the official event with the participation of representatives from local administrative authorities, the Lao Front for National Construction, and provincial or city mass organisations.

Chapter 6

Final Provisions

Article 29. Implementation

The National Assembly Standing Committee and the government of the Lao People's Democratic Republic shall implement this law.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Article 30. Effectiveness

This law enters into force on the date it is promulgated by a decree of the President of the Lao People's Democratic Republic.

This law shall replace the Law on Lao Nationality No. 06/90/SPA, dated 29 November 1990.

Regulations and provisions which contradict this law shall be null and void.

Vientiane, 17 May 2004
President of the National Assembly
[Seal and Signature]
Samane VIYAKETH

Source: *Vientiane Times* website. <http://www.vientianetimes.org.la/Laws%20in%20English/10.%20Law%20on%20Lao%20Nationality%20(2004)%20Eng.pdf> (accessed on January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

This page intentionally left blank

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix F: Citizenship Law of Malaysia (The Citizenship Section of Constitution)

PART III

CITIZENSHIP

Chapter 1 — Acquisition of Citizenship

Citizenship by operation of law

14. (1) Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:

(a) every person born before Malaysia Day who is a citizen of the Federation by virtue of the provisions contained in Part I of the Second Schedule; and

(b) every person born on or after Malaysia Day, and having any of the qualifications specified in Part II of the Second Schedule.

(c) *(Repealed).*

(2) *(Repealed).*

(3) *(Repealed).*

Citizenship by registration (wives and children of citizens)

15. (1) Subject to Article 18, any married woman whose husband is a citizen is entitled, upon making application to the Federal Government, to

be registered as a citizen if the marriage was subsisting and the husband a citizen at the beginning of October 1962, or if she satisfies the Federal Government —

(a) that she has resided in the Federation throughout the two years preceding the date of the application and intends to do so permanently; and
(b) that she is of good character.

(2) Subject to Article 18, the Federal Government may cause any person under the age of twenty-one years of whose parents one at least is (or was at death) a citizen to be registered as a citizen upon application made to the Federal Government by his parent or guardian.

(3) Subject to Article 18, a person under the age of twenty-one years who was born before the beginning of October 1962, and whose father is (or was at his death) a citizen and was also a citizen at the beginning of that month (if then alive), is entitled upon application made to the Federal Government by his parent or guardian, to be registered as a citizen if the Federal Government is satisfied that he is ordinarily resident in the Federation and is of good character.

(4) For the purposes of Clause (1) residence before Malaysia Day in the territories comprised in the States of Sabah and Sarawak shall be treated as residence in the Federation.

(5) The reference in Clause (1) to a married woman is a reference to a woman whose marriage has been registered in accordance with any written law in force in the Federation, including any such law in force before Merdeka Day, or with any written law in force before Malaysia Day in the territories comprised in the States of Sabah and Sarawak:

Provided that this clause shall not apply where the woman applies to be registered as a citizen before the beginning of September 1965, or such later date as may be fixed by order of the Yang di-Pertuan Agong, and is at the date of the application ordinarily resident in the States of Sabah and Sarawak.

(6) *(Repealed)*.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Special power to register children

15A. Subject to Article 18, the Federal Government may, in such special circumstances as it thinks fit, cause any person under the age of twenty-one years to be registered as a citizen.

Citizenship by registration (persons born in the Federation before Merdeka Day)

16. Subject to Article 18, any person of or over the age of eighteen years who was born in the Federation before Merdeka Day is entitled, upon making application to the Federal Govemment, to be registered as a citizen if he satisfies the Federal Government —

(a) that he has resided in the Federation during the seven years immediately preceding the date of the application, for periods amounting in the aggregate to not less than five years;
(b) that he intends to do so permanently;
(c) that he is of good character; and
(d) that he has an elementary knowledge of the Malay language.

Citizenship by registration (persons resident in States of Sabah and Sarawak on Malaysia Day)

16A. Subject to Article 18, any person of or over the age of eighteen years who is on Malaysia Day ordinarily resident in the State of Sabah or Sarawak is entitled, upon making application to the Federal Government before September 1971, to be registered as a citizen if he satisfies the Federal Government —

(a) that he has resided before Malaysia Day in the territories comprised in those States and after Malaysia Day in the Federation for periods which amount in the aggregate to not less than seven years in the ten years immediately preceding the date of the application, and which include the twelve months immediately preceding that date;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(b) that he intends to reside permanently in the Federation;

(c) that he is of good character; and

(d) except where the application is made before September 1965, and the applicant has attained the age of forty-five years at the date of the application, that he has a sufficient knowledge of the Malay language or the English language or, in the case of an applicant ordinarily resident in Sarawak, the Malay language, the English language or any native language in current use in Sarawak.

17. *(Repealed).*

General provisions as to registration

18. (1) No person of or over the age of eighteen years shall be registered as a citizen under this Constitution until he has taken the oath set out in the First Schedule.

(2) Except with the approval of the Federal Government, no person who has renounced or has been deprived of citizenship under this Constitution or who has renounced or has been deprived of federal citizenship or citizenship of the Federation before Merdeka Day under the Federation of Malaya Agreement 1948 shall be registered as a citizen under this Constitution.

(3) A person registered as a citizen under this Constitution shall be a citizen by registration from the day on which he is so registered.

(4) *(Repealed).*

Citizenship by naturalization

19. (1) Subject to Clause (9), the Federal Government may, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalization to that person if satisfied —

(a) that —

(i) he has resided in the Federation for the required periods and intends, if the certificate is granted, to do so permanently;

(ii) *(Repealed)*;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(b) that he is of good character; and
(c) that he has an adequate knowledge of the Malay language.

(2) Subject to Clause (9), the Federal Government may, in such special circumstances as it thinks fit, upon application made by any person of or over the age of twenty-one years who is not a citizen, grant a certificate of naturalization to that person if satisfied —

(a) that he has resided in the Federation for the required periods and intends, if the certificate is granted, to do so permanently;
(b) that he is of good character; and
(c) that he has an adequate knowledge of the Malay language.

(3) The periods of residence in the Federation or the relevant part of it which are required for the grant of a certificate of naturalization are periods which amount in the aggregate to not less than ten years in the twelve years immediately preceding the date of the application for the certificate, and which include the twelve months immediately preceding that date.

(4) For the purposes of Clauses (1) and (2) residence before Malaysia Day in the territories comprised in the States of Sabah and Sarawak shall be treated as residence in the Federation; and for the purposes of Clause (2) residence in Singapore before Malaysia Day or with the approval of the Federal Government residence in Singapore after Malaysia Day shall be treated as residence in the Federation.

(5) A person to whom a certificate of naturalization is granted shall be a citizen by naturalization from the date on which the certificate is granted.

(6) *(Repealed).*

(7) *(Repealed).*

(8) *(Repealed).*

(9) No certificate of naturalization shall be granted to any person until he has taken the oath set out in the First Schedule.

19A. *(Repealed).*

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

20. *(Repealed).*

21. *(Repealed).*

Citizenship by incorporation of territory

22. If any new territory is admitted to the Federation after Malaysia Day in pursuance of Article 2, Parliament may by law determine what persons are to be citizens by reason of their connection with that territory and the date or dates from which such persons are to be citizens.

Chapter 2 — Termination of Citizenship

Renunciation of citizenship

23. (1) Any citizen of or over the age of twenty-one years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of the Federation by declaration registered by the Federal Government, and shall thereupon cease to be a citizen.

(2) A declaration made under this Article during any war in which the Federation is engaged shall not be registered except with the approval of the Federal Government.

(3) This Article applies to a woman under the age of twenty-one years who has been married as it applies to a person of or over that age.

Deprivation of citizenship on acquisition or exercise of foreign citizenship, *etc*.

24. (1) If the Federal Government is satisfied that any citizen has acquired by registration, naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of his citizenship.

(2) If the Federal Government is satisfied that any citizen has voluntarily claimed and exercised in any country outside the Federation any rights available to him under the law of that country, being rights accorded

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

exclusively to its citizens, the Federal Government may by order deprive that person of his citizenship.

(3) *(Repealed).*

(3A) Without prejudice to the generality of Clause (2), the exercise of a vote in any political election in a place outside the Federation shall be deemed to be the voluntary claim and exercise of a right available under the law of that place; and for the purposes of Clause (2), a person who, after such date as the Yang di-Pertuan Agong may by order appoint* for the purposes of this clause —

(a) applies to the authorities of a place outside the Federation for the issue or renewal of a passport; or
(b) uses a passport issued by such authorities as a travel document,

shall be deemed voluntarily to claim and exercise a right available under the law of that place, being a right accorded exclusively to the citizens of that place.

(4) If the Federal Government is satisfied that any woman who is a citizen by registration under Clause (1) of Article 15 has acquired the citizenship of any country outside the Federation by virtue of her marriage to a person who is not a citizen, the Federal Government may by order deprive her of her citizenship.

Deprivation of citizenship by registration under Article 16A or 17 or by naturalization

25. (1) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied —

(a) that he has shown himself by act or speech to be disloyal or disaffected towards the Federation;
(b) that he has, during any war in which the Federation is or was engaged, unlawfully traded or communicated with an enemy or

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

been engaged in or associated with any business which to his knowledge was carried on in such manner as to assist an enemy in that war; or

(c) that he has, within the period of five years beginning with the date of the registration or the grant of the certificate, been sentenced in any country to imprisonment for a term of not less than twelve months or to a fine of not less than five thousand ringgit or the equivalent in the currency of that country, and has not received a free pardon in respect of the offence for which he was so sentenced.

*October 10, 1963 — *see* L.N. 268/1963.

(1A) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that without the Federal Government's approval, he has accepted, served in, or performed the duties of any office, post or employment under the Government of any country outside the Federation or any political subdivision thereof, or under any agency of such a Government, in any case where an oath, affirmation or declaration of allegiance is required in respect of the office, post or employment:

Provided that a person shall not be deprived of citizenship under this Clause by reason of anything done before the beginning of October 1962, in relation to a foreign country, and before the beginning of January 1977, in relation to a Commonwealth country, notwithstanding that he was at the time a citizen.

(2) The Federal Government may by order deprive of his citizenship any person who is a citizen by registration under Article 16A or 17 or a citizen by naturalization if satisfied that he has been ordinarily resident in countries outside the Federation for a continuous period of five years and during that period has neither —

(a) been at any time in the service of the Federation or of an international organization of which the Federal Government was a member; nor

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(b) registered annually at a consulate of the Federation his intention to retain his citizenship:

Provided that this Clause shall not apply to any period of residence in any Commonwealth country before the beginning of January 1977.

(3) *(Repealed).*

Other provisions for deprivation of citizenship by registration or naturalization

26. (1) The Federal Government may by order deprive of his citizenship any citizen by registration or by naturalization if satisfied that the registration or certificate of naturalization —

(a) was obtained by means of fraud, false representation or the concealment of any material fact; or
(b) was effected or granted by mistake.

(2) The Federal Government may by order deprive of her citizenship any woman who is a citizen by registration under Clause (1) of Article 15 if satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of two years beginning with the date of the marriage.

(3) *(Repealed).*

(4) *(Repealed).*

Deprivation of citizenship of child of person losing citizenship

26A. Where a person has renounced his citizenship or been deprived thereof under Clause (1) of Article 24 or paragraph (a) of Clause (1) of Article 26, the Federal Government may by order deprive of his citizenship any child of that person under the age of twenty-one who has been registered as a citizen pursuant to this Constitution and was so registered as being the child of that person or of that person's wife or husband.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

General provisions as to loss of citizenship

26B. (1) Renunciation or deprivation of citizenship shall not discharge a person from liability in respect of anything done or omitted before he ceased to be a citizen.

(2) No person shall be deprived of citizenship under Articles 25, 26 or 26A unless the Federal Government is satisfied that it is not conducive to the public good that he should continue to be a citizen; and no person shall be deprived of citizenship under Article 25, Paragraph *(b)* of Clause (1) of Article 26, or Article 26A if the Federal Government is satisfied that as a result of the deprivation he would not be a citizen of any country.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Procedure for deprivation

27. (1) Before making an order under Articles 24, 25 or 26, the Federal Government shall give to the person against whom the order is proposed to be made notice in writing informing him of the ground on which the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this Article.

(2) If any person to whom such notice is given applies to have the case referred as aforesaid the Federal Government shall, and in any other case the Federal Government may, refer the case to a committee of inquiry consisting of a chairman (being a person possessing judicial experience) and two other members appointed by that Government for the purpose.

(3) In the case of any such reference, the committee shall hold an inquiry in such manner as the Federal Government may direct, and submit its report to that Government; and the Federal Government shall have regard to the report in determining whether to make the order.

Application of Chapter 2 to certain citizens by operation of law

28. (1) For the purposes of the foregoing provisions of this chapter —

(a) any person who before Merdeka Day became a federal citizen or a citizen of the Federation by registration as a citizen or in

consequence of his registration as the subject of a Ruler, or by the grant of a certificate of citizenship, under any provision of the Federation of Malaya Agreement 1948, or of any State law shall be treated as a citizen by registration and, if he was not born within the Federation, as a citizen by registration under Article 17;

(b) a woman who before that day became a federal citizen or a citizen of the Federation by registration as a citizen, or in consequence of her registration as the subject of a Ruler, under any provision of the said Agreement or of any State law authorizing the registration of women married to citizens of the Federation or to subjects of the Ruler shall be treated as a citizen by registration under Clause (1) of Article 15;

(c) any person who before that day was naturalized as a federal citizen or a citizen of the Federation under the said Agreement or became a federal citizen or a citizen of the Federation in consequence of his naturalization as the subject of a Ruler under any State law shall (subject to Clause (2)) be treated as a citizen by naturalization,

and references in those provisions to the registration or naturalization of a citizen shall be construed accordingly.

(2) No person born within the Federation shall be liable by virtue of this Article to be deprived of citizenship under Article 25.

(3) A person who on Merdeka Day became a citizen by operation of law as having been citizen of the Federation immediately before that day shall not be deprived of citizenship under Clause (1) or (2) of Article 24 by reason of anything done on or before that day; but in the case of any such person Clause (2) of Article 25 shall apply equally in relation to a period of residence in foreign countries beginning before Merdeka Day and in relation to such a period beginning on or after that day.

Deprivation of citizenship of persons becoming citizens on Malaysia Day

28A. (1) *(Repealed)*.

(2) For the purposes of Articles 24, 25, 26 and 26A a person who on Malaysia Day becomes a citizen by operation of law because immediately

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

before that day he has the status of a citizen of the United Kingdom and Colonies shall be treated —

(a) as a citizen by registration if he acquired that status by registration; and
(b) as a citizen by naturalization if he acquired that status by or in consequence of naturalization,

and references in those articles to the registration or naturalization of a citizen shall be construed accordingly.

(3) Where a woman is under this article to be treated as a citizen by registration, and the status in consequence of which she is to be so treated was acquired by her by virtue of marriage, then for purposes of Clause (4) of Article 24 and Clause (2) of Article 26 she shall be treated as a citizen by registration under Clause (1) of Article 15.

(4) Where a person born before Malaysia Day is under this Article to be treated as a citizen by registration by virtue of a connection with the State of Sabah or Sarawak and he was not born in the territories comprised in the States of Sabah and Sarawak, Article 25 shall apply to him as if he were a citizen by registration under Article 16A or 17.

(5) Notwithstanding that a person is under this Article to be treated as a citizen by naturalization, he shall not be deprived of his citizenship under Article 25 if he was born before Malaysia Day in the territories comprised in the States of Sabah and Sarawak and is to be so treated by virtue of a status acquired by or in consequence of naturalization in those territories.

(6) Without prejudice to the foregoing Clauses, where on Malaysia Day a person becomes a citizen by operation of law in virtue of any status possessed by him immediately before that day, but he was liable in respect of things done before that day to be deprived of that status under the law relating thereto, then the Federal Government may by order deprive him of his citizenship, if proceedings for that purpose are begun before September 1965; but Clause (2) of Article 26B and, subject to Clause (7), Article 27 shall apply to an order under this clause as they apply to an order under Article 25.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(7) Where a person is liable to be deprived of citizenship under Clause (6) and proceedings had before Malaysia Day been begun to deprive him of the status in virtue of which he acquired his citizenship, those proceedings shall be treated as proceedings to deprive him of citizenship under that Clause, and shall be continued as such; but they shall be continued in accordance with the law relating to that status immediately before Malaysia Day, and the functions of the Federal Government in relation thereto shall be delegated to such authority of the State in question as the Federal Government may determine.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 3 — Supplemental

Commonwealth citizenship

29. (1) In accordance with the position of the Federation within the Commonwealth, every person who is a citizen of the Federation enjoys by virtue of that citizenship the status of a Commonwealth citizen in common with the citizens of other Commonwealth countries.

(2) Any existing law shall, except so far as Parliament otherwise provides, apply in relation to a citizen of the Republic of Ireland who is not also a Commonwealth citizen as it applies in relation to a Commonwealth citizen.

Certificates of citizenship

30. (1) The Federal Government may, on the application of any person with respect to whose citizenship a doubt exists, whether of fact or of law, certify that that person is a citizen.

(2) A certificate issued under Clause (1) shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that the person to whom it relates was a citizen on the date of the certificate, but without prejudice to any evidence that he was a citizen at an earlier date.

(3) For the purpose of determining whether a person was born a citizen of the Federation, any question whether he was born a citizen of another

country shall be decided by the Federal Government, whose certificate thereon (unless proved to have been obtained by means of fraud, false representation or concealment of a material fact) shall be conclusive.

(4) *(Repealed)*.

30A. *(Repealed)*.

30B. *(Repealed)*.

Application of Second Schedule

31. Until Parliament otherwise provides, the supplementary provisions contained in Part III of the Second Schedule shall have effect for the purposes of this Part.

Source: Attorney General's Chambers website. <http://www.agc.gov.my/images/Personalisation/Buss/pdf/Federal%20Consti%20(BI%20text).pdf> (accessed on January 2013).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix G: Citizenship Law of Myanmar

Burma Citizenship Law

(Pyithu Hluttaw Law No 4 of 1982)
The Pyithu Hluttaw enacts the following Law:-

Chapter I — Title and Definition

1. This Law shall be called the Burma citizenship Law.

2. The expressions contained in this Law shall have the following meanings:

(a) "State" means the Socialist Republic of the Union of Burma;
(b) "Citizen" means a Burma citizen;
(c) "Associate Citizen" means an associate citizen prescribed by this Law;
(d) "Naturalized Citizen" means a prescribed by this Law;
(e) "Foreigner" means a person who is not a citizen or an associate citizen or a naturalized citizen;
(f) "Certificate of citizenship" means a certificate of citizenship granted under the Union Citizenship (Election) Act, 1948 or the Union Citizenship Act, 1948 or this Law;
(g) "Certificate of Associate Citizenship" means a certificate of associate citizenship granted under this Law;
(h) "Certificate of Naturalized Citizenship" means a certificate of naturalized citizenship granted under this Law;
(i) "Central Body" established under this Law.

Chapter II — Citizenship

3. Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D. are Burma citizens.

4. The Council of State may decide whether any ethnic group is national or not.

5. Every national and every person born of parents, both of whom are nationals are citizens by birth.

6. A person who is already a citizen on the date this Law cones into force is a citizen. Action, however shall be taken under section 18 for infringement of the provision of that section.

7. The following persons born in or outside the State are also citizens:

(a) persons born of parents, both of whom are citizens;

(b) persons born of parents, one of whom is a citizen and the other an associate citizen;

(c) persons born of parents, one of whom and the other a naturalized citizen;

(d) persons born of parents one of whom is

(i) a citizen; or

(ii) an associate citizen; or

(iii) a naturalized citizen;

and the other is born of parents, both of whom are associate citizens;

(e) persons born of parents, one of whom is

(i) a citizen; or

(ii) an associate citizen; or

(iii) a naturalized citizen;

and the other is born of parents, both of whom are naturalized citizens;

(f) persons born of parents one of whom is

(i) a citizen; or

(ii) an associate citizen; or

(iii) a naturalized citizen;

and the other is born of parents, one of whom is an associate citizen and the other a naturalized citizen.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

8. (a) The Council of State may, in the interest of the State confer on any person citizenship or associate citizenship or naturalized citizenship.

(b) The Council of State may, in the interest of the State revoke the citizenship or associate citizenship or naturalized citizenship of any person except a citizen by birth.

9. A person born in the State shall have his birth registered either by the parent or guardian in the prescribed manner, within year from the date he completes the age of ten years, at the organizations prescribed by the ministry of Home Affairs

Proviso. If registration is not possible within one year from the date he completes the age of ten years, application may be made by the parent or guardian, furnishing sufficient reasons to the organizations prescribed by the Ministry of Home Affairs.

10. A person born outside the State shall have his birth registered either by the parent or guardian in the proscribed manner within one year from the date of birth at the Burmese Embassy or Consulate or organizations prescribed by the Ministry of Home Affairs.

Proviso. If registration is not possible within one year from the date of birth, application may be made by the parent or guardian, furnishing sufficient reasons to the Central Body through the Burmese Embassy or Consulate or organizations prescribed by the Ministry of Home Affairs.

11. (a) A parent or guardian who fails to comply with Section 9 or Section 10 shall be liable to pay a penalty of kyats fifty per year to the Burmese Embassy or Consulate or an organization prescribed by the Ministry of Home Affairs.

(b) A parent or guardian who fails for five years in succession to comply with Section 9 or Section 10 shall be liable to a penalty of kyats one thousand.

12. A citizen shall

(a) respect and abide by the laws of the State;

(b) discharge the duties prescribed by the laws of the State;

(c) be entitled to enjoy the rights prescribed by the laws of the State.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

13. A citizen shall not as well acquire the citizenship of another country.

14. A citizen shall have no right to divest himself of his citizenship during any war in which the State is engaged.

15. (a) A citizen shall not automatically lose his citizenship merely by marriage to a foreigner.

(b) A foreigner shall not automatically acquire citizenship merely by marriage to a citizen.

16. A citizen who leaves the State permanently, or who acquires the citizenship of or registers himself as a citizen of another country, or who takes out a passport or a similar certificate of another country ceases to be a citizen.

17. The citizenship of a citizen by birth shall in no case be revoked except in the case of cessation of citizenship due to infringement of the provision of Section 16.

18. A citizen who has acquired citizenship by making a false representation or by concealment shall have his citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand.

19. A citizen who has committed abetment of obtaining, in a fraudulent manner, a certificate of citizenship or a certificate of associate citizenship or a certificate of naturalized citizenship for another person shall be liable to imprisonment for a term of seven years and to a fine of kyats ten thousand.

20. (a) The certificate of citizenship of a person whose citizenship has ceased or has been revoked shall be cancelled. A person holding such a cancelled certificate shall surrender it in the manner prescribed by the Ministry of Home Affairs.

(b) Failure to surrender a cancelled certificate of citizenship or continued use of it or transfer of it in a fraudulent manner to another person shall entail imprisonment for a term of ten years and a fine of kyats twenty thousand.

(c) Whoever holds and uses a cancelled certificate of citizenship or the certificate of a deceased citizen shall be liable to imprisonment for a term of ten years and to a fine of kyats twenty thousand.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

21. Whoever forges a certificate of citizenship or abets such act shall be liable to imprisonment for a term of fifteen years to a fine of kyats fifty thousand.

22. A person whose citizenship has ceased or has been revoked shall have no right to apply again for citizenship or associate citizenship or naturalized citizenship.

Chapter III — Associate Citizenship

23. Applicants for citizenship under the Union Citizenship Act, 1948, conforming to the stipulations and qualifications may be determined as associate citizens by the Central Body.

24. A person who has been determined is an associate citizen by the Central Body shall appear in person before an organization prescribed by the Ministry of Home Affairs, and shall make an affirmation in writing that he owes allegiance to the State, that, he will respect and abide by the laws of the State and that he is aware of the prescribed duties and rights.

25. The Central Body may include in the certificate of associate citizenship the names of children mentioned in the application. The child whose name is so included is an associate citizen.

26. The child whose name is included under Section 25, and who has completed the age of eighteen years shall make an affirmation in accordance with Section 24, along with the parents.

27. (a) The child whose name is included under Section 25 and who has not completed the age of eighteen years shall, within one year from the date he completes the age of eighteen years appear in person before an organization prescribed by the Ministry of Home Affairs and make an affirmation in accordance with Section 24.

(b) A person who fails to comply with sub-section (a) shall be liable to pay a penalty of kyats fifty per year to an organization prescribed by the Ministry of Home Affairs.

28. If affirmation is not possible within one year, application may be made, furnishing sufficient reasons to the Central Body, through the organizations prescribed by the Ministry of Home Affairs. If there are

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

no sufficient reasons after the date on which he completes the age of twenty-two years, he shall lose his associate citizenship.

29. (a) When both the parents, of the children included in their certificate of associate citizenship, lose their associate citizenship, the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be associate citizens.

(b) Where one of the parents, of the children included in the certificate hold by her or him, is an associate citizen and the other a foreigner, and if the mother or father who is an associate citizen loses her or his associate citizenship the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be associate citizens.

30. An associate citizen shall

(a) respect and abide by the laws of the State;

(b) discharge the duties prescribed by the laws of the State;

(c) be entitled to enjoy the rights of a citizen under the laws of the State, with the exception of the rights stipulated from time to time by, the Council of State.

31. An associate citizen shall not as well acquire the citizenship of another country.

32. An associate citizen shall have no right to divest himself of his associate citizenship during any war in which the State is engaged.

33. An associate citizen shall not automatically acquire citizenship merely by marriage to a citizen.

34. An associate citizen who leaves the State permanently or, who acquires the citizenship of or registers himself as a citizen of another country, or who takes out a passport or a similar certificate of another country ceases to be an associate citizen.

35. The Central Body may revoke the associate citizenship of a person if he infringes any of the following provisions:

(a) trading or communicating with enemy countries or with countries assisting the enemy country, or with citizens or organizations of such countries during a war in which the State is engaged or abetting such an act;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(b) trading or communicating with an organization or with a member of such organization which is hostile to the State, or abetting such an act;

(c) committing an act likely to endanger the sovereignty and security of the State or public peace and tranquility or giving rise to the reasonable belief that he is about to commit such an act;

(d) showing disaffection or disloyalty to the State by any act or speech or otherwise;

(e) giving information relating to a state secret to any person, or to any organization, or to any other country or countries, or abetting such an act;

(f) committing an offence involving moral turpitude for which he has been sentenced to imprisonment for a minimum term of one year or to a minimum fine of kyats one thousand.

36. An associate citizen who has acquired such citizenship by making a false representation or by concealment shall have his associate citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand.

37. An associate citizen who has committed abetment of obtaining in a fraudulent manners a certificate of citizenship or a certificate of associate citizenship or a certificate of naturalized citizenship for another person shall have his associate citizenship revoked; and shall also be liable to imprisonment for a term of seven years and to a fine of kyats ten thousand.

38. An associate citizen who has personal knowledge of an offence committed by any person under Section 36 or Section 37, or as an accomplice who has committed such an act, discloses or admits the offence before organizations prescribed by the Ministry of Home Affairs within one year from the date this Law comes into force, or within one year from the date of commission of the offence shall be exempted from the penal provisions relating to such offence.

39. (a) The certificate of associate citizenship of a person whose associate citizenship has ceased or has been revoked shall be cancelled. A person holding such a cancelled certificate shall surrender it in the manner prescribed by the Ministry of Home Affairs.

(b) Failure to surrender a cancelled certificate of associate citizenship or continued use of it or transfer of it in a fraudulent manner to

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

another person shall entail imprisonment for a term of ten years and a fine of kyats twenty thousand.

(c) Whoever holds and uses a cancelled certificate of associate citizenship or the certificate of a deceased associate citizen shall be liable to imprisonment for a term of ten years and to a fine of kyats twenty thousand.

40. Whoever forges a certificate of associate citizenship or abets such act shall be liable to imprisonment for a term of fifteen years and to a fine of kyats fifty thousand.

41. A person whose associate citizenship has ceased or has been revoked shall have no right to apply again for associate citizenship or naturalized citizenship.

Chapter IV — Naturalized Citizenship

42. Persons who have entered and resided in the State anterior to 4th January, 1948, and their offsprings born Within the State may, if they have not yet applied under the union Citizenship Act, 1948, apply for naturalized citizenship to the Central Body, furnishing conclusive evidence.

43. The following persons born in or outside the State from the date this Law comes into force may also apply for naturalized citizenship:

(a) persons born of parents one of whom is a citizen and the other a foreigner;

(b) persons born of parents, one of whom is an associate citizen and the other a naturalized citizen;

(c) persons born of parents one of whom is an associate citizen and the other a foreigner;

(d) persons born of parents, both of whom are naturalized citizens;

(e) persons born of parents, one of whom is a naturalized citizen and the other a foreigner.

44. An applicant for naturalized citizenship shall have the following qualifications:

(a) be a person who conforms to the provisions of Section 42 or Section 43;

(b) have completed the age of eighteen years;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(c) be able to speak well one of the national languages;
(d) be of good character;
(e) be of sound mind.

45. A person married to a citizen or to an associate citizen or to a naturalized citizen, who is holding a Foreigner's Registration Certificate anterior to the date this Law comes into force shall have the following qualifications to apply for naturalized citizenship:
(a) have completed the age of eighteen years;
(b) be of good character;
(c) be of sound mind;
(d) be the only husband or wife;
(e) have resided continuously in the State for at least three years is the lawful wife or husband.

46. (a) A person who has been determined as a naturalized citizen by the Central Body shall appear in person before an organization prescribed by the Ministry of Home Affairs, and shall make an affirmation in writing that he owes allegiance to the State, that he will respect and abide by the laws of the State and that he is aware of the prescribed duties and rights.
(b) A person who has been determined as a naturalized citizen by the Central Body and holding a Foreigner's Registration Certificate shall appear in person before an organization prescribed by the Ministry of Home Affairs, and shall make an affirmation in writing that he renounces his foreign citizenship, that he owes allegiance to the State, that he will respect and abide by the laws of the State and that he is aware of the prescribed duties and rights.

47. The Central Body may include in the certificate of naturalized citizenship the name of a child mentioned in the application. The child whose name is so included is a naturalized citizen.

48. The child whose name is included under Section 47, and who has completed the age of eighteen years shall make an affirmation in accordance with sub-section (a) of Section 46, along with the parents.

49. (a) The child whose name is included under Section 47, and who has not completed the age of eighteen years shall, within one year

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

from the date on which he completes the age of eighteen years appear in person before an organization prescribed by the Ministry of Home Affairs and make an affirmation in accordance with sub-section (a) of Section 46.

(b) A person who fails to comply with sub-section (a) shall be liable to pay a penalty of kyats fifty per year to an organization prescribed by the Ministry of Home Affairs.

50. If affirmation is not possible within one year, application may be made, furnishing sufficient reasons to the Central Body, through the organizations prescribed by the Ministry of Home Affairs. If there are no sufficient reasons after the date on which he completes the age of twenty-two years, he shall lose his naturalized citizenship.

51. (a) When both the parents, of the children included in their certificate of naturalized citizenship, lose their naturalized citizenship the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be naturalized citizens.

(b) Where one of the parents of the children included in the certificate held by her or him, is a citizen and the other a foreigner, and if the mother or father who is a citizen loses her or his citizenship, the child who has not completed the age of eighteen years and the child who has completed the age of eighteen years, but has not made an affirmation cease to be naturalized citizen.

(c) There one of the parents, of the children included in the certificate hold by her or him, is an associate citizen and the other a foreigner, and if the mother or father who is associate citizen loses her or his associate citizenship, the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made in affirmation cease to be naturalized citizens.

(d) Where one of the parents, of the children included in the certificate held by her or him, is a naturalized citizen and the other a foreigner, and if the mother or father who is a naturalized citizen loses her or his naturalized citizenship, the child who has not completed the age of eighteen years, and the child who has completed the age of eighteen years, but has not made an affirmation cease to be naturalized citizens.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

52. If a person married to a citizen or to an associate citizen or to a naturalized citizen, who is holding a Foreigner's Registration Certificate anterior to the date this Law comes into force applies for naturalized citizenship and the husband or wife of such a person dies or is divorced from such a person before acquiring naturalized citizenship, the application for naturalized citizenship of such a person shall lapse.

53. A naturalized citizen shall

(a) respect and abide by the laws of the State;

(b) discharge the duties prescribed by the laws of the State;

(c) be entitled to enjoy the rights of a citizen under the laws of the State with the exception of the rights stipulated from time to time by the Council of State.

54. A naturalized citizen shall not as well acquire the citizenship of another country.

55. A naturalized citizen shall have no right to divest himself of his naturalized citizenship during any war in which the State is engaged.

56. A naturalized citizen shall not Automatically acquire citizenship or associate citizenship merely by marriage to a citizen or to an associate citizen.

57. A naturalized citizen who leaves the State permanently, or who acquires the citizenship of or registers himself as a citizen of another country, or who takes out a passport or a similar certificate of another country ceases to be a naturalized citizen.

58. The Central Body may revoke the naturalized citizenship of a person if he infringes any of the following provisions:

(a) trading or communicating with enemy countries or with countries assisting the enemy country, or with citizens or organizations of such countries during a war in which the State is engaged, or abetting such an act;

(b) trading or communicating with an organization or with a member of such organization which is hostile to the State, or abetting such an act;

(c) committing an act likely to endanger the sovereignty and security of the State or Public peace and tranquility or giving rise to the reasonable belief that he is about to commit such an act;

(d) showing disaffection or disloyalty to the State by any act or speech or otherwise;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(e) giving information relating to a State secret to any person, or to any organization, or to any other country or countries, or abetting such an act;

(f) committing an offence involving moral turpitude for which he has been sentenced to imprisonment for a minimum term of one year or to a minimum fine of kyats one thousand.

59. A naturalized citizen who has acquired such citizenship by making a false representation or by concealment shall have his naturalized citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand.

60. A naturalized citizen who has committed abetment of obtaining in a fraudulent manner, a certificate of citizenship or a certificate of associate citizenship or a certificate of naturalized citizenship for another person shall have his naturalized citizenship revoked, and shall also be liable to imprisonment for a term of seven years and to a fine of kyats ten thousand.

61. A naturalized citizen who has personal knowledge of an offence committed by any person under Section 59 or Section 60, or as an accomplice who has committed such an act, discloses or admits the offence before organizations prescribed by the Ministry of Home Affairs within one year from the date this Law comes into force, or within one year from the date of commission of the offence shall be exempted from the penal provisions relating to such offence.

62. (a) The certificate of naturalized citizenship of a person, whose naturalized citizenship has ceased or has been revoked, shall be cancelled. A person holding such a cancelled certificate shall surrender it in the manner prescribed by the Ministry of Home Affairs.

(b) Failure to surrender a cancelled certificate of naturalized citizenship or continued use of it or transfer of it, in a fraudulent manner, to another person shall entail imprisonment for a term of ten years and a fine of kyats twenty thousand.

(c) Whoever holds and uses a cancelled certificate of naturalized citizenship or the certificate of a deceased naturalized citizen shall be liable to imprisonment for a term of ten years and to a fine of kyats twenty thousand.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

63. Whoever forges a certificate of naturalized citizenship or abets such act shall be liable to imprisonment for a term of fifteen years and to a fine of kyats fifty thousand.

64. A person whose naturalized citizenship has ceased or has been revoked shall have no right to apply again for naturalized citizenship.

Chapter V — Decision as to Citizenship, Associate Citizenship or Naturalized Citizenship

65. Any person may apply to the Central Body when it is necessary for a decision as to his citizenship, associate citizenship or naturalized citizenship.

66. The Central Body shall

(a) permit the applicant the submission of application with supporting evidence;

(b) decide in accordance with law;

(c) inform its decision to the applicant.

Chapter VI — Central Body

67. The Council of Ministers shall form the Central Body as follows:

(a) Minister Chairman Ministry of Home Affairs

(b) Minister Member Ministry of Defence

(c) Minister Member Ministry of Foreign Affairs

68. The Central Body has the authority:

(a) to decide if a person is a citizen, or an associate citizen or a naturalized citizen;

(b) to decide upon an application for associate citizenship or naturalized citizenship;

(c) to terminate citizenship or associate citizenship or naturalized citizenship;

(d) to revoke citizenship or associate citizenship or naturalized citizenship;

(e) to decide upon an application regarding failure as to registration or affirmation.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

69. The Central Body shall give the right of defence to a person against whom action is taken.

Chapter VII — Appeals

70. (a) A person dissatisfied with the decision of the Central Body may appeal to the Council of Ministers in accordance with the procedure laid down.
(b) The decision of the Council of Ministers is final.

71. Organizations conferred with authority under this Law shall give no reasons in matters carried out under this Law.

Chapter VIII — Miscellaneous

72. Except under any of the provisions of this Law, no foreigner shall have the right to apply for naturalized citizenship from the date this Law comes into force.

73. A foreigner who is adopted by a citizen or by an associate citizen or by a naturalized citizen shall not acquire citizenship or associate citizenship or naturalized citizenship.

74. Except on penal matters, all matters relating to this Law shall be decided by the only organizations which are conferred with authority to do so.

75. The Council of Ministers, shall, for the purpose of carrying out the provisions of this Law, lay down necessary procedures with the approval of the Council of State.

76. The following Acts are repealed by this Law:
(a) The Union Citizenship (Election) Act, 1948;
(b) The Union Citizenship Act, 1948.

Source: *Burma Citizenship Law*. Myanmar: National Legislative Bodies, 15 October 1982. <http://www.unhcr.org/refworld/docid/3ae6b4f71b.html> [accessed 26 December 2012]; *The Guardian* [special supplement].

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix H: Citizenship Law of the Philippines (The Citizenship Information in the Constitution)

Who are Philippine citizens under the present Constitution?

The 1987 Constitution, Article IV, Section 1 provides:

Section 1. The following are citizens of the Philippines:

Those who are citizens of the Philippines at the time of the adoption of this Constitution;

Those whose fathers or mothers are citizens of the Philippines;

Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and

Those who are naturalized in accordance of law.

Who is a natural-born Filipino citizen?

Natural-born citizens are those who are citizens from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with the Constitution shall be deemed natural-born citizens.

What are the modes of acquiring citizenship?

There are two (2) generally recognized modes of acquiring Philippine citizenship, namely:

1) by birth; and
    1) Jus soli (right of soil) which is the legal principle that a person's nationality at birth is determined by the place of birth (i.e. the territory of a given state).
    2) Jus sanguinis (right of blood) which is the legal principle that, at birth, an individual acquires the nationality of his/her natural parent/s. The Philippines adheres to this principle.
2) by naturalization which is the judicial act of adopting a foreigner and clothing him with the privileges of a native-born citizen. It implies the renunciation of a former nationality and the fact of entrance into a similar relation towards a new body politic. (2 Am.Jur.561, par.188)

What are the bases of acquiring citizenship?

There are 3 bases for acquiring citizenship by birth, namely:

1) Jus soli (right of soil) which is the legal principle that a person's nationality at birth is determined by the place of birth (i.e. the territory of a given state).
2) Jus sanguinis (right of blood) which is the legal principle that, at birth, an individual acquires the nationality of his/her natural parent/s. The Philippines adheres to this principle;
3) Naturalization which is the judicial act of adopting a foreigner and clothing him with the privileges of a native-born citizen. It implies the renunciation of a former nationality and the fact of entrance into a similar relation towards a new body politic. (2 Am.Jur.561, par.188)

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Who may qualify as Philippine citizen by naturalization under the Revised Naturalization Act?

Under Section 2 of the Revised Naturalization Law the applicant must possess the following qualifications:

- He must not be less than twenty-one years of age on the day of the hearing of the petition;
- He must have resided in the Philippines for a continuous period of not less than ten years;
- He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living;
- He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;
- He must be able to speak or write English or Spanish or anyone of the principal languages;
- He must have enrolled his minor children of school age in any of the public or private schools recognized by the Bureau of Public Schools of the Philippines where Philippine history, government and civics are taught or prescribed as part of the school curriculum, during the entire period of the residence in the Philippines required of him prior to the hearing of the petition for naturalization as Philippine citizen;

Who are not qualified to apply for naturalization of the Revised Naturalization Law?

Under Section 4 of the Revised Naturalization Law, the following persons cannot qualify for Philippine citizenship:

- Persons opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments;

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

- Persons defending or teaching the necessity or propriety of violence, personal assault, or assassination for the success and predominance of their ideas;
- Polygamists or believers in the practice of polygamy;
- Persons convicted of crimes involving moral turpitude;
- Persons suffering from mental alienation or incurable contagious diseases;
- Persons who during the period of their stay in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;
- Citizens or subjects of nations with whom the Philippines is at war.

Citizens or subjects of a foreign country other than the United States, whose laws do not grant Filipinos the right to become naturalized citizens or subject thereof;

(*Source*: Bureau of Immigration, the Philippines website. <http://immigration.gov.ph/index.php?option=com_content&task=view&id=206&Itemid=80> (accessed on January 2012).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix I: Citizenship Law of Singapore

CONSTITUTION OF THE REPUBLIC OF SINGAPORE (ARTICLE 140 AND THIRD SCHEDULE, SECTION 4)

SINGAPORE CITIZENSHIP RULES

R 1

G.N. No. S 152/1985

REVISED EDITION 1999

(1st July 1999)

[1st June 1985]

Citation

1. These Rules may be cited as the Singapore Citizenship Rules.

Definition

2. — (1) In these Rules, unless the context otherwise requires, "Registrar" means the Registrar of Citizens appointed under Rule 3 and includes a Deputy or an Assistant Registrar of Citizens.

(2) In these Rules, any reference to an article by number shall be construed as a reference to the article of that number in the Constitution.

Appointments of Registrar, Deputy and Assistant Registrars of Citizens

3. The Minister may appoint a Registrar of Citizens and such number of Deputy and Assistant Registrars of Citizens as he considers necessary to carry out the purposes of Part X of and the Third Schedule to the Constitution.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Application for citizenship

4. An application under —

(*a*) Article 121(3) for conferment of citizenship upon a person born in Singapore;

(*b*) Article 122(1) for registration of the birth of a person born outside Singapore on or after 16th September 1963;

(*c*) Article 123 (1) by a person for registration as a citizen of Singapore;

(*d*) Article 123(2) by a woman who is married to a citizen of Singapore, for registration as a citizen of Singapore;

(*e*) Article 124 for the registration of a child below the age of 21 years as a citizen of Singapore;

(*f*) Article 127(1) for the grant of citizenship by naturalisation;

(*g*) Article 138 for the grant of a certificate of citizenship; or

(*h*) Article 141(3) for the registration of the birth of a person born outside Singapore before 16th September 1963, shall be made to the Registrar in such form and manner as the Registrar may approve, which may include the use of such electronic application service on what is commonly known as the Internet as the Registrar may provide for this purpose.

[S 576/2008 wef 10/11/2008]

Citizenship certificate

5. A certificate of citizenship granted to a person —

(*a*) who is a citizen by conferment under Article 121(3);

(*b*) who is a citizen by descent under Article 122(1);
(*c*) who is a citizen by registration under Article 123 or 124;
(*d*) who is a citizen by naturalisation under Article 127;
(*e*) with respect to whose citizenship a doubt exists, under Article 138; or
(*f*) whose birth is registered under Article 141(3), shall be in the Form set out in the Second Schedule.

Advisory committee to consider applications for citizenship

6. The advisory committee, appointed under Section 18(2) of the Third Schedule to the Constitution, shall consider such applications for citizenship as the Minister may refer to it and shall report to the Minister on those applications.

Meetings of advisory committee

7. — (1) For the purpose of considering applications for citizenship, the advisory committee shall meet as often as it considers necessary and in such places as the Minister may direct.
(2) The advisory committee shall hold its meetings in private.

Reports, information or evidence before advisory committee to be secret

8. — (1) When considering an application for citizenship, the advisory committee shall have regard to any written or other report, information or evidence which may, by the direction of the Minister, be placed before the advisory committee.
(2) Any such written or other report, information or evidence shall be kept secret and shall not be disclosed to any unauthorised person.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Report of advisory committee not to be disclosed

9. The report of the advisory committee to the Minister shall be secret and shall not be disclosed to any unauthorised person.

Notice of deprivation of citizenship

10. — (1) Any person to whom a notice under Article 133(1) is given shall apply within 21 days to have his case referred to a committee of inquiry under Article 133(2).

(2) The committee of inquiry (referred to in these rules as the committee) to which a case is referred under Article 133 shall, before it holds its inquiry, cause to be given to the person against whom an order is proposed to be made under Articles 129, 132, 134 or 135, a notice stating the nature of the inquiry, the time and place of the inquiry and —

(*a*) where the person is in Singapore or ordinarily resident in Singapore, informing him of his right to be present at the inquiry and to be represented by an advocate and solicitor;

(*b*) where the person is not in Singapore and not ordinarily resident in Singapore, informing him of his right to submit written representations and to be represented by an advocate and solicitor.

(3) Any such notice to be given by the committee to any person under this rule may —

(*a*) be served on that person;

(*b*) be sent to that person at his last known address;

(*c*) in the case of a person below the age of 18 years (not being a married woman), be sent to his parent or guardian at the last known address of his parent or guardian; or

(*d*) if an address at which notice may be sent is not known and cannot after reasonable inquiry be ascertained, be given by publication in the *Gazette*.

(4) The committee may, in any case where the notice has been given in accordance with Paragraph (3), proceed to hold that inquiry in the absence of the person against whom an order is proposed to be made under Articles 129, 132, 134 or 135.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(5) Such notice shall be given not less than 14 days before the holding of the inquiry.

(6) Such notice may require the person or his parent or guardian, as the case may be, to submit in writing to the committee any information, verified in such manner as may be directed, which the committee considers material to the inquiry.

Committee to submit report to Minister after inquiry

11. — (1) The committee shall inquire into the grounds upon which the Minister proposes to make an order under Articles 129, 132, 134 or 135 and the reasons, if any, advanced by or on behalf of the person against whom the order is proposed to be made as to why the order should not be made against him.

(2) The committee shall, after such inquiry, submit its report to the Minister.

(3) The chairman of the committee shall, if so required by the Minister, also furnish in writing his opinion on any question of law which may be relevant to the facts of the case, or on such specific questions of law relating to the case as the Minister may require.

Proceedings of committee of inquiry

12. — (1) The committee may, when carrying out functions under these Rules —

(*a*) act upon any information which is made available to it, whether or not such information is given on oath or would be admissible as evidence if given in court;

(*b*) issue a notice calling upon a person to appear before the committee to give any information which he can furnish or to produce any document which is in his possession, custody or power relating to matters in question before the committee; and

(*c*) require any person to give evidence before it on oath or affirmation.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(2) The committee may postpone or adjourn the inquiry from time to time.
(3) The committee may allow or refuse to allow the public or any member thereof to be present during the whole or any part of the inquiry.
(4) The committee shall, subject to these Rules, determine its own procedure.
(5) For the purpose of carrying out its functions, the committee may administer oaths and affirmations.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Representation at committee of inquiry

13. — (1) Subject to paragraph (2), a person against whom an order is proposed to be made under Articles 129, 132, 134 or 135 shall, at the inquiry held by the committee, be entitled to —
(*a*) appear in person;
(*b*) be represented by an advocate and solicitor; or
(*c*) be represented by his parent or guardian if he is below the age of 18 years.
(2) Paragraph (1)(*a*) shall not apply to any case where the person against whom an order is proposed to be made under Articles 129, 132, 134 or 135 is not in Singapore and not ordinarily resident in Singapore.
(3) The committee may receive such written representations and documentary and other evidence as may be submitted by such person.
(4) The Registrar and a representative appointed by the Minister shall be entitled to be present at the inquiry.

Circumstances whereby name of person may be struck off from register

14. The Registrar shall strike off the name of any person from the register of citizens of Singapore if —
(*a*) he has ceased to be a citizen of Singapore by virtue of Articles 122(2), 126(3), 136 or 138;

(*b*) he has made a declaration of renunciation of citizenship and the declaration was registered under Article 128;

(*c*) an order has been made under Articles 129, 130, 134, 135 or 137 depriving him of his Singapore citizenship; or

(*d*) an order has been made under Article 132 or 137 cancelling his enrolment as a citizen of Singapore.

Cancellation of certificate of citizenship

15. — (1) Where a person has ceased to be a citizen of Singapore, such person shall, if so required by notice in writing given by the Registrar, deliver up to the Registrar within such time as may be specified in the notice any certificate of citizenship issued to him.

(2) The Registrar shall cancel the certificate when it is delivered to him.

Form of application or declaration

16. Where a person wishes to make any application or declaration under any of these Rules and the form as required by the Minister referred to in the rule is, in the opinion of the Registrar, unsuitable to the pertinent case, the Registrar may authorise the application or declaration to be made in some other form.

Loss, etc., of certificate

17. — (1) Where a certificate of citizenship issued under the repealed Singapore Citizenship Ordinance 1957 (Ord. 35/57) or the Constitution is lost, destroyed or defaced, the person to whom the certificate relates shall forthwith notify the Registrar.

(2) A replacement certificate in the Form set out in the Third Schedule shall be issued on such condition or conditions as may be imposed by the Registrar in place of the one lost, destroyed or defaced.

(3) Any person who finds any certificate issued under the repealed Singapore Citizenship Ordinance 1957 or the Constitution shall forthwith deliver it to the Registrar or to any police station.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Alteration or Amendment of Certificate

18. — (1) Any person who has in his possession a certificate of citizenship containing particulars which are incorrect or which he knows are incorrect shall forthwith report the fact to the Registrar.

(2) The Registrar may, if he is satisfied that any particulars on any certificate of citizenship are incorrect, alter or amend the certificate or may on such conditions as he may impose issue a new certificate to replace the certificate containing the incorrect particulars.

Procedure for Making Declaration or Oath

19. — (1) A declaration made in accordance with these Rules or the Oath of Renunciation, Allegiance and Loyalty required by Articles 122(2), 126(1) and 126(3) and 127(4) shall be of no effect unless it is made in the prescribed form and signed in the presence of or administered by one of the following persons:

(*a*) if it is made in Singapore, any Justice of the Peace or any person authorised to administer oaths; or

(*b*) if it is made elsewhere, any diplomatic or consular officer of the Government or, with the permission of the Registrar who may impose such conditions as he thinks fit, any notary public or person authorised to administer oaths.

(2) Where the Oath of Renunciation, Allegiance and Loyalty required by Articles 122(2) and 126(3) is taken outside Singapore before any notary public or any person authorised to administer oaths, other than a diplomatic or consular officer of the Government, it shall be of no effect unless the oath form, together with the citizenship certificate of the person taking the Oath, is delivered to and received by the Registrar not later than one month after the date the person has attained the age of 22 years or, with the permission of the Registrar, later.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Prohibitions

20. — (1) A person shall not, except in accordance with these Rules or any other written law —

(*a*) part with the possession of a certificate of citizenship granted to him; or

(*b*) receive or have in his possession a certificate of citizenship not granted to him.

(2) No person shall —

(*a*) obtain or have in his possession more than one certificate of citizenship unless he can show that he obtained or had possession of such certificate innocently; or

(*b*) except by lawful authority, make any mark or entry upon, or erase, cancel or alter any mark or entry contained in, or otherwise deface or destroy any certificate issued under the repealed Singapore Citizenship Ordinance 1957 (Ord. 35/57) or the Constitution.

Penalties

21. Any person who contravenes or fails to comply with Rule 17, 18(1) or 20 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $1,000 or to imprisonment for a term not exceeding 6 months or to both.

Source: Attorney General's Chamber Singapore website. <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%2245621190-a939-4f13-bfac-16c9b13154f8%22%20Status%3Ainforce%20Depth%3A0;rec=0> (accessed on 31 December 2012).

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

This page intentionally left blank

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix J: Citizenship Law of Thailand

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Thailand's Nationality Act B.E. 2508 as amended by Acts B.E. 2535 Nos. 2 and 3 (1992)

Given on the 21st day of July, B.E. 2508 (1965) Being the 20th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to revise the law on nationality,

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly in the capacity of the National Assembly, as follows.

Section 1. This Act shall be called the "Nationality Act, B.E. 2508"

Section 2. This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

(1) The Nationality Act, B.E. 2495;
(2) The Nationality Act (No. 2), B.E. 2496;
(3) The Nationality Act (No. 3), B.E. 2499;
(4) The Nationality Act (No. 4) B.E. 2503.

Section 4. In this Act:

"Alien" means a person who does not have a Thai nationality;

"Competent official" means the person appointed by the Minister for the execution of this Act;

"Minister" means the Minister taking charge and control of the execution of this Act.

Section 5. The acquisition of Thai nationality under Section 9 or 12, the loss of Thai nationality under Chapter 2, or the recovery of Thai nationality under Chapter 3, shall be effective upon its publication in the Government Gazette and shall have an individual effect.

Section 6. The Minister of Interior shall take charge and control of the execution of this Act and shall have the power to appoint competent officials and to issue Ministerial Regulations fixing fees not exceeding the rates annexed to this Act, and to exempt any person as he thinks fit from fees for the following:

(1) Application for naturalisation as a Thai;
(2) Certificate of naturalisation as a Thai;
(3) Application for recovery of Thai nationality.

Such Ministerial Regulations shall become effective upon their publication in the Government Gazette.

Chapter 1. Acquisition of Thai Nationality

Section 7. The following persons acquire Thai nationality by birth:

(1) A person born of a father or a mother of Thai nationality, whether within or outside the Thai Kingdom;
(2) A person born within the Thai Kingdom except the person under Section 7 *bis* paragraph one.

Section 7. bis. A person born within the Thai Kingdom of alien parents does not acquire Thai nationality if at the time of his birth, his lawful father or his father who did not marry his mother, or his mother was:

(1) the person having been given leniency for temporary residence in Kingdom as a special case;
(2) the person having been permitted to stay temporarily in the Kingdom;
(3) the person having entered and resided in the Thai Kingdom without permission under the law on immigration.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

In case the Minister deems it appropriate, he may consider and give an order for each particular case granting Thai nationality to any person under paragraph one, in conformity with the rules prescribed by the Cabinet.

The person who is born within the Thai Kingdom and has not acquired Thai nationality under paragraph one shall be deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration unless an order is given otherwise according to the law on that particular matter.

Section 8. A person born within the Thai Kingdom of alien parents does not acquire Thai nationality, if at the time of his birth, his father or mother was:

(1) Head of a diplomatic mission or a member thereof;
(2) Head of a consular mission or a member thereof;
(3) An officer or expert of an international organisation;
(4) Member of a family, either as a relative under patronage or servant, who came from abroad to reside with the person in (1), (2) or (3).

Section 9. An alien woman who marries a person of Thai nationality shall, if she desires to acquire Thai nationality, file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

The granting or refusal of permission for acquisition of Thai nationality shall lie with the discretion of the Minister.

Section 10. An alien who possesses the following qualifications may apply for naturalisation as a Thai:

(1) becoming *sui juris* in accordance with Thai law and the law under which he has nationality;
(2) having good behaviour;
(3) having regular occupation;
(4) having a domicile in the Thai Kingdom for a consecutive period of not less than five years till the day of filing the application for naturalisation;
(5) having knowledge of Thai language as prescribed in the Regulations.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Section 11. The provisions of Sections 10 (4) and 10 (5) shall apply if the applicant for naturalisation as a Thai;

(1) has rendered distinguished service to Thailand or has done acts to the benefit of official service, which is deemed suitable by the Minister;
(2) is a child or wife of a person who has been naturalised as a Thai or has recovered Thai nationality; or
(3) is one who used to have Thai Nationality.

Section 12. Any person being desirous of applying for naturalisation as a Thai, shall file an application with the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

Should the applicant for naturalisation as a Thai, under paragraph one, have children who are not *sui juris* in accordance with Thai law, and who have a domicile in Thailand, he may concurrently apply for such naturalisation for his children. In this case, such children shall be exempt from possessing the qualifications under Sections 10 (1), 10 (3), 10 (4) and 10 (5).

The granting or refusal of permission for naturalisation as a Thai shall lie with the discretion of the Minister. In case the Minister deems appropriate to grant permission, he shall submit the matter to the King for Royal Sanction. After the Royal Sanction, the applicant shall make an affirmation of loyalty to Thailand.

A person who has been naturalised as a Thai is entitled to apply for a certificate of naturalisation as a Thai.

Chapter 2. Loss of Thai Nationality

Section 13. A woman of Thai nationality who marries an alien and may acquire the nationality of her husband according to the nationality law of her husband, shall, if she desires to renounce Thai nationality, make a declaration of her intention before the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

Section 14. A person of Thai nationality, who was born of an alien father and has acquired the nationality of his father according to the law

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

on nationality of his father, or a person who acquires Thai nationality under Section 12 Paragraph 2 is required, if he desires to retain his other nationality, to make a declaration of his intention to renounce his Thai nationality within one year after his attaining the age of twenty years, according to such form and in the manner as prescribed in the Ministerial Regulations.

If, after consideration of the said intention, the Minister is of opinion that there is reasonable ground to believe that such person may acquire the nationality of his father or a foreign nationality, he shall grant permission, except in cases where Thailand is being engaged in armed conflict, or is in state of war, he may order the dispensation of any renunciation of Thai nationality.

Section 15. Except in the case under Section 14, a person who has Thai nationality and other nationality, or who acquires Thai nationality by naturalisation shall, if he desires to renounce Thai nationality, file an application with the competent official according to such form and in the manner prescribed in the Ministerial Regulations.

The granting or refusal of permission for renunciation of Thai nationality shall lie with the discretion of the Minister.

Section 16. With respect to an alien woman who acquires Thai nationality by marriage, her Thai nationality may be revoked if it appears that:

(1) The marriage was effected by concealment of facts or making any statement false in material particular;
(2) She commits any act prejudicial to the security, or conflicting with the interests of the State, or amounting to an insult to the nation;
(3) She commits any act contrary to public order or good morals.

Section 17. With respect to a person who has Thai nationality, by reason of his having been born within the Thai Kingdom of an alien father, his Thai nationality may be revoked if it appears that:

(1) He has resided in a foreign country, of which his father has or used to have nationality, for a consecutive period of more than five years as from the day of his becoming *sui juris;*

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

(2) There is evidence to show that he makes use of the nationality of his father or of a foreign nationality, or that he has an active interest in the nationality of his father or in a foreign nationality;
(3) He commits any act prejudicial to the security or conflicting with the interests of the State, or amounting to an insult to the nation;
(4) He commits any act contrary to public order or good morals.

The Minister in the event of (1) or (2), and the Court in the event of (3) or (4) and upon request of the public prosecutor, shall order the revocation of Thai nationality.

Section 18. When there exist circumstances suitable for maintaining the security or interests of the State, the Minister is empowered to revoke Thai nationality of the person who acquires Thai nationality under Section 7 Bis. paragraph two.

Section 19. The Minister is empowered to revoke Thai nationality of a person who acquires Thai nationality by naturalisation if it appears that:

(1) The naturalisation was effected by concealment of facts or making any statement false in material particular;
(2) There is evidence to show that he still makes use of his former nationality;
(3) He commits any act prejudicial to the security or conflicting the interests of the State, or amounting to an insult to the nation;
(4) He commits any act contrary to public order or good morals;
(5) He has resided abroad without having a domicile in Thailand for more than five years;
(6) He still retains the nationality of the country at war with Thailand.

The revocation of Thai nationality under this section may extend to children of a person whose Thai nationality is revoked in case such children are not *sui juris* and acquire Thai nationality under Section 12, paragraph two and the Minister shall, after the order for revocation of Thai nationality has been given, shall submit the matter to the King for information.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Section 20. A Committee shall be set up consisting of the Under Secretary of State for Interior as chairman, a representative of the Ministry of Foreign Affairs, the Director-General of the Department of Administrative Affairs, the Director-General of the Police Department and the Director-General of the Public Prosecution Department as members, having the duty to consider the revocation of Thai nationality under Sections 16, 17(1) or 18, 19.

Where circumstances appear with respect to any person that his Thai nationality may be revoked, the competent official shall submit the latter for consideration of the Committee. After consideration, the Committee shall refer its opinion to the Minister for direction.

Section 21. A person of Thai nationality who was born of an alien father and may acquire the nationality of his father according to the law n nationality of his father shall lose Thai nationality if he obtains an lien identification card according to the law on registration of aliens.

Section 22. A person of Thai nationality who has been naturalised as an alien, or who has renounced Thai nationality, or whose Thai nationality has been revoked, shall lose Thai nationality.

Chapter 3. Recovery of Thai Nationality

Section 23. A woman of Thai nationality who has renounced Thai nationality in case of marriage to an alien under Section 13 may, if the marriage has been dissolved by whatsoever reason, apply for recovery of Thai nationality.

In applying for recovery of Thai nationality, a declaration of intention shall be made before the competent official according to the form and in the manner prescribed in the Ministerial Regulations.

Section 24. A person of Thai nationality, together with his parent while not becoming *sui juris,* shall, if he desires to recover Thai nationality, file with the Competent official an application according to the form and in the manner prescribed in the Ministerial Regulations within two years from the day of his becoming *sui juris* under Thai law, and the law under which he has nationality.

The granting or refusal of permission for recovery of Thai nationality shall lie with the discretion of the Minister.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Rates of Fees

(1) Application for naturalisation as a Thai — each time 5,000 baht.
(2) Application for naturalisation as a Thai for — each time 2,500 baht a child of the applicant, who is not *sui juris*.
(3) Certificate of naturalisation as a Thai — each copy 500 baht.
(4) Substitute of the certificate of naturalisation, — each copy 500 baht as a Thai.
(5) Application for recovery of Thai — each time 1,000 baht nationality
(6) Other applications — each copy 5 baht.

Source: "Nationality & Statelessness", Vol. II, *IBHI Humanitarian Series*, 1996.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Appendix K: Citizenship Law of Vietnam

Law on Nationality of Vietnam
Passed by the National Assembly on June 28, 1988

Chapter 1

General Provisions

Article 1. Persons holding Vietnamese nationality

The Socialist Republic of Vietnam is a unified State of all nationals living on Vietnamese territory. All members of all ethnic groups hold Vietnamese nationality.

Persons holding Vietnamese nationality include those who hold Vietnamese nationality up to the day this Law comes into force and those who will be granted Vietnamese nationality in accordance with the provisions of this Law.

Article 2. Relationship between the state and citizens

Vietnamese citizens shall be guaranteed all rights as citizens by the State of the Socialist Republic of Vietnam, and must fulfil their obligations towards the State and society as provided by law.

The State shall protect the legitimate rights of Vietnamese citizens living abroad.

Article 3. Recognition of a single nationality for Vietnamese citizens

The State of the Socialist Republic of Vietnam recognizes Vietnamese citizens as having only one nationality: Vietnamese.

Article 4. Retention of nationality in cases of marriage, divorce, annulment of unlawful marriage, and change of nationality by a husband or wife

Marriage, divorce or annulment of unlawful marriage between a Vietnamese citizen and a foreigner or a stateless person, shall not change their respective nationality.

Where a husband or wife is granted or loses Vietnamese nationality, there shall be no change to the nationality of the partner.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 2

Determination of Vietnamese Nationality

Article 5. Persons holding Vietnamese nationality

A person shall hold Vietnamese nationality if one of the following circumstances applies:

1. By birth;
2. Being granted Vietnamese nationality;
3. Having Vietnamese nationality restored;
4. Holding Vietnamese nationality in accordance with international treaties to which Vietnam is a party;
5. Holding Vietnamese nationality in other cases as provided for by this Law.

Article 6. Nationality of a child

1. Any child born to parents who are Vietnamese citizens shall hold Vietnamese nationality regardless of whether that child was born inside or outside the territory of Vietnam.
2. Any child born to parents, one of whom is a Vietnamese citizen and the other a stateless person or person unknown, shall hold Vietnamese nationality regardless of whether that child was born inside or outside the territory of Vietnam.
3. Any child born to parents, one of whom is a Vietnamese citizen and the other a foreign national, if born inside Vietnamese territory or at a

time when the parents have permanent residence in Vietnam shall hold Vietnamese nationality unless both parents decide otherwise. Where that child is born outside Vietnamese territory, and at a time when the parents have no permanent residence in Vietnam, the child's nationality shall be decided by the parents.

4. Any child born on Vietnamese territory and whose parents are both stateless persons but have permanent residence in Vietnam, shall hold Vietnamese nationality.
5. Any child found on Vietnamese territory and whose parents are unknown shall hold Vietnamese nationality.

Article 7. Granting of Vietnamese nationality

1. A foreign national or stateless person who is residing in Vietnam and voluntarily observes the Constitution and laws of Vietnam, may be granted Vietnamese nationality if satisfying the following conditions:
   a- Being 18 years of age or over;
   b- Speaking Vietnamese;
   c- Having been residing in Vietnam for at least five years.
2. A foreign national or stateless person may, on legitimate grounds, be granted Vietnamese nationality without having to satisfy the conditions set out in points a, b and c of Paragraph 1 of this article.
3. Where persons have been granted Vietnamese nationality in accordance with the provisions of this article, but have made inaccurate statements when applying for Vietnamese nationality, the decision to grant Vietnamese nationality may be revoked.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 3

Loss of Nationality, Restoration of Vietnamese Nationality

Article 8. Loss of Vietnamese nationality

A Vietnamese citizen shall lose Vietnamese nationality in the following circumstances:

1. Being permitted to relinquish Vietnamese nationality;
2. Being deprived of Vietnamese nationality;
3. Losing Vietnamese nationality in accordance with international treaties to which Vietnam is one of the signatories;
4. Losing Vietnamese nationality in other cases as provided for in this Law.

Article 9. Relinquishing of Vietnamese nationality

1. A Vietnamese citizen may be permitted to relinquish Vietnamese nationality, if there are legitimate grounds.
2. Where a person requests permission to relinquish Vietnamese nationality, the relinquishing may not be permitted if any of the following circumstances applies:
   a- If performing military service;
   b- If tax due or other property obligations to the State;
   c- Being prosecuted for criminal offences;
   d- Executing a court's verdict.
3. If the relinquishing of Vietnamese nationality endangers national security, permission to relinquish Vietnamese nationality will not be granted.

Article 10. Deprivation of Vietnamese nationality

1. A Vietnamese citizen resident outside the territory of Vietnam may be deprived of Vietnamese nationality when carrying out activities that seriously endanger national independence and the cause of building and defending the Socialist Republic of Vietnam, or to the interests and prestige of the Socialist Republic of Vietnam.
2. Persons having been granted Vietnamese nationality in accordance with Article 7 of this Law wherever residing may also be deprived of their Vietnamese nationality if they commit such acts as stipulated in paragraph 1 of this article.

Article 11. Restoration of Vietnamese nationality

Persons who have lost their Vietnamese nationality may, on legitimate grounds, be granted the restoration of Vietnamese nationality.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Chapter 4

Nationality of Children in the Case of Changes to Parent's Nationality–Nationality of Adopted Children

Article 12. Nationality of children in the case of changes to parents' nationality

1. Where there is a change to the nationality of parents (granting, relinquishing or restoration of Vietnamese nationality) the nationality of the child shall be changed accordingly.
2. Where there is a change to the nationality of one of the parents, the nationality of the child shall be decided by the parents.
3. Any change to the nationality of persons aged over 15 and less than 18, in accordance with the provisions of Paragraphs 1 and 2 of this article, must be subject to the consent of that person.

Article 13. Nationality of children whose parents are deprived of Vietnamese nationality or where a decision to grant Vietnamese nationality is revoked.

Where one or both parents are deprived of Vietnamese nationality in accordance with Article 10, or where a decision to grant Vietnamese nationality is revoked in accordance with Paragraph 3, Article 7, the nationality of any children shall not be subject to change.

Article 14. Nationality of adopted children

1. Where a child is a foreign national or a stateless person, and if either or both of the adoptive parents is Vietnamese citizen, that child shall be granted Vietnamese nationality in accordance with the request from the adoptive parents and be exempt from the conditions set out in Paragraph 1 of Article 7 of this Law.
2. Where a child is a Vietnamese citizen, and either or both of the adoptive parents is a foreign national and the natural parents or legal guardian so agree, the child may relinquish Vietnamese nationality in

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

accordance with request by the adoptive parents for the granting of a different nationality.
3. A change in the nationality of a person aged over 15 and less than 18, as stipulated in Paragraphs 1 and 2 of this article, must be subject to the consent of that person.

Chapter 5

Power to Decide Questions of Nationality

Article 15

1. The council of Ministers shall determine in all cases the granting, relinquishing, restoration, depriving and revoking of decisions to grant Vietnamese nationality.
2. Procedures for deciding all questions of nationality shall be determined by the Council of Ministers.

Chapter 6

Final Provisions

Article 16

Where an international treaty to which Vietnam is one of the signatories contains provisions which differ from those of this law, the provisions set out in that international treaty shall be applied.

Article 17

This law comes into force on 15 July 1988, and the decrees listed hereunder are simultaneously repealed:

1. Decree No. 53/SL of October 20th, 1945;
2. Decree No. 73/SL of December 7th, 1945;
3. Article 6 of Decree No. 251/SL of August 20th, 1948;
4. Decree No 51/SL of December 14th, 1959;
5. Resolution No 1043 NQ/TVQH of February 8th, 1971 of the Standing Committee of the National Assembly.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Article 18

The Council of Ministers shall determine the details of implementation of this Law.

Source: "Law on Nationality of Vietnam" [Version: 15 August 1997] [Provided by the SRVN Embassy USA <http://www.vietnamembassy-usa.org/luatquoctich1988.html>]. Australia National University website. <http://coombs.anu.edu.au/~vern/luat/luat.html> (accessed on January 2013); *Selection of Fundamental Laws and Regulations of Vietnam* (2nd edition with amendments to the laws issued in 1995). Hanoi: The Gioi Publishers, 1995.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

This page intentionally left blank

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Bibliography

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

"2030 nian, shuangchong guoji?" (The year of 2030, dual citizenship?), *Lianhe Zaobao*, 2 February 2008.

Abdullah, Taufik. *Indonesia: Towards Democracy* (History of Nation-Building Series). Singapore: ISEAS, 2009.

"Aceh rebels sign peace agreement," BBC News, 15 August 2005, <http://news.bbc.co.uk/2/hi/asia-pacific/4151980.stm> (accessed on 9 January 2013).

Aguilar, Filomeno V. Jr. "The Triumph of Instrumental Citizenship? Migrants, Identities, and the Nation-State in Southeast Asia," *Asian Studies Review*, vol. 23, no. 3, pp. 307–336, 1999.

Ahmad, Reme. "Malays told to acquire skills and think global," *Straits Times*, 24 September 2004.

Anaya, S. James. *Indigenous Peoples in International Law*, 2nd edn. Oxford & New York: Oxford University Press, 2004.

Anderson, Benedict. *Imagined Communities: Reflections of Origin and Spread of Nationalism.* New York: Verzo, 1998. (First published in 1984).

Bacal, Azril. "Citizenship and National Identity in Latin America: The persisting Salience of Race and Ethnicity," in T.K. Oommen, ed. *Citizenship and National Identity: From Colonialism to Globalization*. New Delhi and London: Sage Publication, 1997, pp. 281–312.

Baguioro, Luz. "'Dirty Harry' may be barred from race," *Straits Times*, 24 March 1998.

Bell, Gary. "The New Indonesian Laws Relating to Regional Autonomy: Good Intentions, Confusing Laws," *Asian Pacific Law and Policy Journal*, vol. 2, p. 1, 2001, <http://www.hawaii.edu/aplpj/2/1.html> (accessed on January 2013).

Benbournnane, Ornanong Noiwong. *Political Integration Policies of the Thai Government Toward the Ethnic Malay-Muslims of Southernmost Thailand* (*1973–2000*). Bangkok: Institute of Asian Studies, Chulalongkorn University, 2012.

Bertil Lintner, "Who's who in Thailand's Muslim Insurgency," <http://www.atimes.com.atimes/Southeast_Asia/II08Ae01.html> (accessed on 24 February 2014).

Brunner, E.M. "The Expression of Ethnicity in Indonesia," in A. Cohen, ed., *Urban Ethnicity*. London: Tavistock Publications, 1974, pp. 251–280.

"Bukan Menyebar Kemiskinan, Bukan?" *Tempo*, 13 July 1974, pp. 6–8.

Burress Charles, Ryan Kim, Chronicle Staff Writers, "China frees 3 scholars; Release come in advance of Powell visit, but others remain in custody," 26 July 2001, <http://www.sfgate.com/politics/article/China-frees-3-scholars-Releases-come-in-advance-2895291.php> (accessed on January 2013); also <http://hxtc.china.cn/chinese/kuaixun/44783.htm> (accessed on 4 March 2006).

Camilleri, Rita. "Muslim Insurgency in Thailand and the Philippines: Implications for Malaysia's Cross Border Diplomacy," *UNEAC Asia Papers*, No. 27, 2008, pp. 68–85.

Chachavalpongpun, Pavin. "Thailand," in Rodolfo C Severino, Elspeth Thomson and Mark Hong, eds. *Southeast Asia in New Era: Ten Countries and One Region in ASEAN*. Singapore: ISEAS, 2010, pp. 199–220.

Chan, Johannes. "Nationality," in Raymond Wacks, ed., *Human Rights in Hong Kong*. Hong Kong: Oxford University Press, 1992.

Chan Yi Shen. "China-born trio given citizenship," *Straits Times*, 21 June 2005.

Chantawanich, Supang. "From Siamese Chinese to Chinese Thai: Political Conditions and Identity Shifts among the Chinese in Thailand," in Leo Suryadinata, ed., *Ethnic Chinese as Southeast Asians*. Singapore: ISEAS, 1997, pp. 232–259.

Che Man, K. *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand*. Singapore, Oxford, New York: Oxford University Press, 1990.

Cheah Boon Kheng. *Malaysia: The Making of a Nation* (History of Nation-Building Series). Singapore: ISEAS, 2002.

Chin Yee Wah. "Chinese Economic Activities in the Emerging Malaysian Nation-State: Changing with the Times," in Voon Phin Keong, ed., *Malaysian Chinese and Nation-Building: Before Merdeka and Fifty Years After*, vol. 1. Kuala Lumpur: Centre for Malaysian Chinese Studies, 2008, pp. 269–306.

Chong, Christopher. "Li Jiawei's departure a loss to Singapore" (letter to Forum), *Straits Times*, 1 January 2013.

"Citizenship in Burma," *Burma Issues Newsletter*, March 1995.

Cobo, Jose R. Martinez. *Study of the Problem of Discrimination against Indigenous Populations.* United Nations Document E/CN.4/Sub.2/1986/7.

Connor, Walker. "The Politics of Ethnonationalism," *Journal of International Affairs*, vol. 27, no. 1, 1973, pp. 1–21.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Connor, Walker. "A Nation is a Nation, is a State, is an Ethnic Group, is a..." in John Hutchinson and Anthony D. Smith, eds., *Nationalism*. Oxford and New York: Oxford University Press, 1994, pp. 36–46.

Connor, Walker. "Nation-building and Nation-Destroying?" *World Politics*, 24 April 1972, pp. 319–355, republished in the collection of his articles, *Ethnonationalism: The Quest for Understanding*. Princeton, New Jersey: Princeton University Press, 1994, pp. 29–66.

Coppel, Charles. "Revisiting Furnivall's 'Plural Society': Colonial Java as a Mestizo Society?" *Ethnic and Racial Studies*, vol. 20, no. 3, pp. 562–579, 1997.

Crouch, Harold. "Indonesia: Democratization and the Threat of Disintegration," *Southeast Asian Affairs 2000*. Singapore: Institute of Southeast Asian Studies, 2000, pp. 115–133.

Das, K. (compiler) *Malay Dominance? The Abdullah Rubric*. Kuala Lumpur: K. Das Ink, 1987, p. 63.

Dasar, Soeroso. *Indonesia Dilema Tak Kunjung Reda*. Bandung: Penerbit Angkasa, 1984, p. 63.

De los Santos, Joel Jalal-ud-din, Jr. "Towards a Solution of the Moro Problem," *Southeast Asian Affairs*. Singapore: ISEAS, 1978, pp. 207–214.

Deng Kaiping, "Kua zongjiao weihui bei zhanyao, kan shouxiang ruhe huajie weiji" (Interfaith committee is slashed, how does the prime minister solve the crisis?), *Lianhe Zaobao*, 5 March 2005.

Deutsch, Karl. *Nationalism and Social Communication, An enquiry into Foundation of Nationality*, 2nd edn. Cambridge, Massachusetts and London: The MIT Press, 1962.

Disyunaryong Filipino-English. Matro Manila: Komisyon sa Wikang Filipino, 1992.

Embong, Abdul Rahman. *State-led Modernization and the New Middle Class in Malaysia*. Basingstoke: Palgrave MacMillan, 2002.

Emerson, Rupert. *From Empire to Nation: The Rise of Self-Assertion of Asian and African Peoples.* Boston: Beacon Press, 1960.

Esman, Milton J. "Canada-Quebec: Two Nations Warring in the Bosom of a Single State," in *Ethnic Politics*. Ithaca and London: Cornell University Press, 1994, pp. 147–175.

Esposito, John L. *Islam and Politics*. Syracuse: Syracuse University Press, 1984.

Farouk, Omar. "The Muslims of Thailand: A Survey," in Andrew D.W. Forbes, ed. *The Muslims of Thailand. Vol. 1: Historical and Cultural Studies*, Bihar (India): South East Asian Studies, 1988, pp. 1–31.

Feith, Herbert. *Decline of Constitutional Democracy in Indonesia*. Ithaca: Cornell University Press, 1962.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Fletcher, Nancy M. *The Separation of Singapore and Malaysia*, Data Paper, No. 73, Southeast Asia Program, Cornell University, Ithaca, July 1969.

"Foreign students to pay $6 to $2,450 more a year," *Straits Times*, 20 December 2006.

Furnivall, J. S. *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India*. New York: New York University Press, 1956.

Furnivall, J. S. *Netherlands India: A Study of Plural Economy*. Cambridge: Cambridge University Press, 1939 (reprinted in 1967).

Geertz, Clifford. "Religious Change and Social Order in Suharto's Indonesia," *Asia*. Autumn, 1972, pp. 62–84.

Gellner, Ernest. *Nationalism*. London: Phoenix, 1998.

Goh Chin Lian. "6.9 m a worst-case scenario, not a target," *Straits Times*, 2 February 2013.

Goldstein, Joshua S. *International Relations*. New York: HarperCollins College Publications, 1996.

Gouw Giok Siong. *Warganegara dan Orang Asing*, 2nd edn. Djakarta: Keng Po, 1960.

Greenfeld, Liah. *Nationalism: Five Roads to Modernity*. Cambridge, Mass., New York and London: Harvard University Press, 1992.

Grudgings, Stuart. "Najib to announce steps to help Malays," *FMT News*, 11 September 2013 (accessed on 8 February 2014).

Guibernau, Montserrat. *Nationalisms: The Nation-State and Nationalism in the Twentieth Century*. Cambridge: Polity Press, 1996.

Gulam, S. "How about a Singaporean gesture from this Shanghai-born?" *Today*, 7 August 2002.

"Hard for Li to say goodbye," *Straits Times*, 28 December 2012; Ong (2013).

Haris, Syamsuddin *et al. Indonesia di ambang perpecahan?* Jakarta: Penerbit Erlanga, 1999.

Hashim, Salamat. *The Bangsamoro People's Struggle Against Oppression and Colonialism*. Mindanao: Agency For Youth Affairs, MILF, 2001.

Hatta, Mohammad, *Portrait of a Patriot: Selected Writings by Mohammad Hatta*. The Hague, Paris: Mouton Publishers, 1972.

Heng Pek Koon, *Chinese Politics in Malaysia: A History of the Malaysian Chinese Association*. Singapore: Oxford University Press, 1988.

Heywood, Andrew. *Politics*. London: Macmillan, 1997.

Hill, Hal and Joao M. Saldanha, eds., *East Timor: Development Challenges for the World's Newest Nation*. Singapore: Institute of Southeast Asian Studies, 2001.

Ho, Andy. "Holding on to two passports need not mean split loyalties," *Straits Times*, 29 February 2004.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

"Historian wants country called 'Siam,'" *The Nation*, 3 April 2007, <http://www.nationmultimedia.com/2007/04/03national/national_30030960.php> (accessed on 4 January 2013).

Ho Khai Leong, "The Dynamics of Policy-Making in Malaysia: The Formulation of the New Economic Policy and the National Development Policy," *The Asian Journal of Public Administration*, vol. 14, no. 2, pp. 204–227, 1992.

Hobsbawm, H. J. *Nations and Nationalism Since 1780: Programme, Myth, Reality*. Cambridge: Cambridge University Press, 1997.

Holton, Robert J. *Globalization and the Nation State.* London: Macmillan Press, 1998.

Hong, Carolyn. "No change in Malays' equity for 20 years? MCA leader queries data," *Straits Times*, 30 July 2005.

Hong, Carolyn. "What is real stake of bumis in KL market? 45%? 18.9%?" *Straits Times*, 7 October 2006a.

Hong, Carolyn. "Increasing religiosity in Malaysia causes a stir," *Straits Times*, 5 September 2006b.

Hong, Carolyn. "Furore over Najib's 'Islamic state' remarks," *Straits Times*, 21 July 2007.

Hong Yiqing, "Li Zhizheng: Bu paichu weilai Xin Ao guomin ke pici yongyou shuangcong guoji" (MM Lee: Do not exclude the possibility that Australia and Singaporean citizens have dual citizenship), *Lianhe Zaobao*, 4 April 2007.

Hooker, M. Barry, ed. *Law and the Chinese in Southeast Asia.* Singapore: ISEAS, 2002, p. 178.

Howitt, Richard, John Connel and Philip Hirsch, eds. *Resources, Nations and Indigenous Peoples.* Melbourne: Oxford University Press, 1996.

Huang Ying Jung. *Double Citizenship in Malaysia*. Singapore: Institute of Southeast Asia, Nanyang University, 1970.

Huntington, Samuel P. *Who Are We? America's Great Debate*. London: The Free Press, 2005.

Husain, Farid. *To See the Unseen: Kisah di Balik Damai Aceh*. Jakarta: Health Hospital, 2007.

Hutchinson, John and Anthony D. Smith, eds. *Nationalism*. Oxford and New York: Oxford University Press, 1994.

Hutchinson, John and Anthony D. Smith, eds. *Ethnicity*. London: Oxford University Press, 2006.

Jesudason, James V. *Ethnicity and the Economy: The State, Chinese Business, and Mutlinationals in Malaysia*. Singapore: Oxford University Press, 1989.

Johnston, Eric. "Peruvians divided over Fujimori," *The Japan Times*, 28 September 2003.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Jubair, Salah. *Bangsamoro: A Nation Under Endless Tyranny*, 3rd edn. Kuala Lumpur: IQ Marin Sdn Bhd, 1999.

Kautsky, John H., ed. *Political Change in Underdeveloped Countries: Nationalism and Communism.* New York and London: John Wiley and Sons, 1962.

"Kebudayaan kita dan pengaruh asing," *Dewan Masyarakat*, 15 August 1979.

Kellas, James G. *The Politics of Nationalism and Ethnicity*. London: Macmillan, 1991.

Khoo Boo Teik. *Paradoxes of Mahathirism: An Intellectual Biography of Mahathir Mohamad*. Kuala Lumpur: Oxford University Press, 1995.

Kok, Melissa. "Critics of foreign talent in sports get red card," *Straits Times*, 23 June 2010.

Kymlicka, Will. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press, 1995.

Lee Hock Guan. "Steadily Amplified Rural Votes Decide Malaysian Elections," in Ooi Kee Beng ed. *ISEAS Perspective: Selections 2012–2013*, Singapore: Institute of Southeast Asian Studies, 2014, pp. 55–66.

Lee Kuan Yew. "The Search for Talent," in S. Jayakumar, ed., *Our Heritage and Beyond: A Collection of Essays on Singapore: Its Past, Present and Future*. Singapore: NTUC, 1982, pp. 12–25.

Lee, Edwin. *Singapore: The Unexpected Nation* (History of Nation-Building Series). Singapore: ISEAS, 2008.

Leirissa, Richard Z. *Maluku dalam Perjuangan Nasional Indonesia*. Jakarta: Lembaga Sejarah Fakultas Sastra Universitas Indonesia, 1975.

Lembong, Eddie. "Evolusi pemahaman nasionalisme yang melandasi undang-undang kewarganegaraan serta prospek hari depan etnis Tionghoa di Indonesia," *Sinergi Indonesia*, September 2006.

Lianhe Zaobao, 2 February 2008.

Li Anshan 李安山. "Huaqiao huaren guoji wenti zhouyi" (华侨华人国籍问题诌议, On the problem of the Chinese overseas), in *Studies of International Politics* (国际政治研究), no. 2, May 2005, <http://www.cnki.com.cn/Article/CJFDTOTAL-GJZY200502012.htm> (accessed on 3 March 2006).

Li Qihong. "Shijie guanjun shi zhenyang liancheng de?" (How was the world champion made?), *Lianhe Zaobao*, 6 June 2010.

Li Xueying. "National Day Rally: Making Singapore a magnet for all talents," *Straits Times*, 21 August 2006a.

Li Xueying. "PM: Push for immigrants for S'pore's good," *Sunday Times*, 27 August 2006b.

Liang Yingming 梁英明. "shuangchong guoji bu fuhe haiwai huaren shengcun fazhan de changyuan liyi" (双重国籍不符合海外华人生存发展的长远利

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

益, Dual citizenship is not in the long term interest of the Chinese overseas), in Zhou Nanjing, ed. *Jingwai huaren guoji wenti taolunji*, 2005, pp. 413–425.

Liddle, William. *Ethnicity, Party and National Integration: An Indonesian Case Study*. New Haven: Yale University Press, 1970.

Lijphart, Arend. *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press, 1977.

Lim, Linda. "Singapore: Place or Nation? The Implication for Economy, State and Identity," Random Thoughts of A Free Thinker: Post No. 95b: Singapore: Place or Nation? 2006, <http://searchingforenlightenment.blogspot.sg/2006/12post-no-95a-singapore-place-or...> (accessed on 10 January 2013).

Lim, Lydia. "Dual citizenship will affect security," *Straits Times*, 5 April 2007.

Lintner, Bertil. "Who's Who in Thailand's Muslim Insurgency," <http://www.atimes.com.atimes/Southeast_Aisa/II08Ae01.html> (accessed on 24 February 2014).

Liow, Joseph Chinyong, *Muslim Resistance in Southern Thailand and Southern Philippines: Religion, Ideology, and Politics*. Policy Studies 24, Washington D.C.: East West Centre Washington, 2006.

Low, Aaron. "Fashion a S'pore version of dual citizenship," *Straits Times*, 9 November 2006.

Majul, Cesar Adib. *The Contemporary Muslim Movement in the Philippines*. Berkeley: Mizan Press, 1985.

Mani, A. "Determinants of Educational Aspirations among Indonesian Youth," Ph.D dissertation submitted to the University of Wisconsin, Madison, 1980.

"Many students identify most strongly with race," *Straits Times*, 11 September 2004.

Mao Qixiong 毛起雄 and Lin Xiaodong 林晓东, eds. *Zhongguo qiaowu zhengce gaishu* (中国侨务政策概述, General outline of China's overseas Chinese affairs). Beijing: China's Overseas Chinese Press, 1993.

Marr, David. *Vietnamese Nationalism*. Berkeley: California University Press, 1971.

Marshall, T.H. *Citizenship and Social Class and Other Essays.* Cambridge University Press, 1950.

Mashad, Dhuroruddin and Ikrar Nusa, Bakti. "Berbagai Faktor Separatisme di Irian Jaya," in Syamsuddin Haris, *et al.*, eds., *Indonesia di Ambang Perpecahan?* Jakarta: Penerbit Erlangga, 1999, pp. 175–232.

"MCA hails court decision," *The Star*, 9 May 2008, p. N12.

McGarry, John, and Brendan O'Leary. "Introduction: The Macro-political Regulation of Ethnic Conflict," in John McGarry and Brendan O'Learry, eds., *The Politics of Ethnic Conflict Regulation*. New York and London: Routledge, 1993, pp. 1–40.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

McLean, Ian. *Oxford Concise Dictionary of Politics,* Oxford and New York: Oxford University Press, 1996.

McVey, Ruth. "Nation versus State in Indonesia," in Damien Kingsbury and Harry Aveling, eds., *Autonomy and Disintegration in Indonesia.* London and New York: Routledge, 2003, pp. 11–27.

Mehmet, Ozay. *Development in Malaysia: Poverty, Wealth and Trusteeship*. Kuala Lumpur: Insan, 1988. (Originally published by Croom Helm in 1986.)

Mohammad, Mahathir bin. *The Malay Dilemma*. Singapore: Asia-Pacific Press, 1970.

Montolalu, Lucy R. and Leo Suryadinata. "National Language and Nation-Building: The Case of Bahasa Indonesia," in Lee Hock Guan and Leo Suryadinata, eds., *Language, Nation and Development in Southeast Asia*. Singapore: ISEAS, 2007, pp. 39–50.

Moore, Donald. "Preface," in Mahathir bin Mohammad, *The Malay Dilemma*. Singapore: Asia-Pacific Press, 1970, pp. v–vi.

Moynihan, Daniel Patrick. *Pandaemonium: Ethnicity in International Politics*, New York: Oxford University Press, 1993.

Muzaffar, Chandra. "1Malaysia: Hala Tuju Ke Hadapan," in *Perjalanan…Ke Arah Satu Malaysia*. Kuala Lumpur: Zubedy Ideahouse, 2012, pp. 61–64.

Nasution, Adnan Buyung *et al. Federalisme untuk Indonesia*. Jakarta: Pennerbit Kompas, 1999.

"National Unity Ultimate Objective of 1Malaysia, Says Najib," Bernama.com.

"Negara Kesatuan ataukah Negara Persatuan?" *Sinar Harapan*, 12 June 2013.

Niezen, Ronald. *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley: University of California Press, 2003.

"No Dual Citizenship Yet," *Today*, 15 March 2004.

"No Melting Pot, Singapore," 29 January 1995, Associated Press.

Ohmae, Kenichi. *The End of the Nation State: The Rise of Regional Economies*. New York and London: The Free Press, 1995.

"Old Guard Fighters are National," *Straits Times*, 12 May 1999.

Oliver, Dwan and Derek Heater. *The Foundations of Citizenship*. New York and London: Harvester Wheatsheaf, 1994.

Ong Soh Chin. "Two minds, two hearts, two passports?" *Straits Times*, 26 August 2006.

Ooi Kee Beng, "Interfaith dialogue need not be destabilizing," *Straits Times*, 3 March 2005.

Ooi Kee Beng, "Can Najib drop "Malays" from UMNO?" originally published in *The Malaysian Insider*, 22 August 2009, republished in Ooi Kee Beng, *Between UMNO and a Hard Place: The Najib Razak Era Begins*, REFS and ISEAS, 2010, pp. 72–74.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Oon, Clarissa. "MM rebuts NMP's notion of race equality," *Straits Times*, 20 August 2009.

Osborne, Robin. *Indonesia's Secret War: The Guerilla Struggle in Irian Jaya*. Sydney: Allen and Unwin, 1985.

Pacho, Arturo W. "Political Integration through Naturalization: A Southeast Asian Perspective," *Asia Quarterly: A Journal from Europe*, vol. 4, pp. 224–243, 1980.

Paget, Roger. "Indonesian Newspapers, 1965–1967," *Indonesia* (Cornell University), vol. 4, pp. 170–210, 1967.

"Parliament endorses Population White Paper by 77 Votes to 13." Yahoo Newsroom, 8 February 2013 (accessed on 10 February 2014).

Peh Shing Huei and Aaron Low, "Immigrant issue: More work needed to convince people," *Straits Times*, 23 August 2006.

Peking Review, 23 (June 1974), p. 8.

Perekh, Bhiku. "British Citizenship and Cultural Difference," in Geoff Andrew, ed. *Citizenship*. London: Lawrence and Wishart, 1991, pp. 183–204.

Pitsuwan, Surin. *Islam and Malay Nationalism: A Case Study of the Malay Muslims of Southern Thailand*. Bangkok: Thai Khadi Research Institute, Thammasat University, 1985.

"Population: Growing the S'pore Family," *Straits Times*, 22 August 2006.

Rabushka, Alvin and Kenneth A. Shapsle. *Politics in Plural Societies: A Theory of Democratic Instability*. Columbus, Ohio: Merrill Publishing Company, 1972.

Ramasamy, P. "The Hindraf Movement in Malaysia: Indians' discontent has been boiling for a while," *Straits Times*, 31 December 2007.

Rixhon, Gerard. "Ethnicity and Development Conflicts in the Philippines," in M. Rajaretnam, ed., *Trends in the Philippines II: Proceedings and Background Paper*. Singapore: Singapore University Press, 1978, pp. 113–133.

Rothschild, Joseph. *Ethnopolitics: A Conceptual Framework*. New York: Columbia University Press, 1981.

Saad, Ibrahim. "National Culture and Social Transformation in Contemporary Malaysia," *Southeast Asian Journal of Social Sciences*, vol. 11, no. 2, 1983.

Saravanamuttu, Johan. "The New Economic Policy, New Malay Middle Class and the Politics of Reform," in Edmund Terence Gomez and Johan Saravanamuttu, eds., *The New Economic Policy in Malaysia: Affirmative Action, Ethnic Inequality and Social Justice*. Singapore: Institute of Southeast Asian Studies, 2013, pp. 335–358.

Schermerhorn, R.A. *Comparative Ethnic Relations: A Framework for Theory and Research*. New York: Random House, 1970.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Shamsul, A.B. "Nations of Intent in Malaysia," in Stein Tonnesson and Hans Antlov, eds. *Asian Forms of the Nation*. London: Curzon and Nordic Institute of Asian Studies, 1996, pp. 323–347.

Siti Zuhro, R. "Riau dan otonomi daerah: Problematik Perimbangan Keuangan Pusat-Daerah," in Syamsuddin Haris, *et al.* eds., *Indonesia di ambang Perpecahan*? Jakarta: Penerbit Airlangga, 1999, pp. 111–174.

Sjamsuddin, Nazaruddin. *The Republican Revolt: A Study of the Acehnese Rebellion*. Singapore: Institute of Southeast Asian Studies, 1985.

Smith, Anthony D. *National Identity*. Reno, Las Vegas, London: University of Nevada Press, 1993.

Smith, Anthony D. *The Ethnic Revival in the Modern World*. Cambridge, London and New York: Cambridge University Press, 1981.

Smith, Anthony D. *The Ethnic Origins of Nations*. Oxford: Blackwell, 1986.

Smith, Graham, ed. *The Nationalities Question in the Post-Soviet States*, 2nd edn. London and New York: Longman, 1996.

Smooha, Sammy. "The Model of Ethnic Democracy," ECMI Working Paper No. 13, October 2001.

Statistical Yearbook, Thailand, No. 43 (1993) Published by National Statistical Office, Office of the Prime Minister.

Steinberg, David J., ed. *In Search of Modern Southeast Asia.* New York: McMillan, 1971.

Straits Times, 28 September 1978 and 6–7 October, 1978.

Straits Times, 11 June 2000.

Suhrke, Astri and Lela Garner Noble. "Muslims in the Philippines and Thailand," in Astri Suhrke and Lela Garner Noble, eds., *Ethnic Conflict in International Relations*. New York: Praeger, 1977, pp. 178–212.

Suryadinata, Leo. "Ethnicity and National Integration in Indonesia: An Analysis," *Asia Quarterly*, vol. 3, pp. 209–234, 1976.

Suryadinata, Leo, *Chinese Politics in Java 1917–1942*. Singapore: Singapore University Press, 1980.

Suryadinata, Leo. *Peranakan Chinese Politics in Java 1917–1942*, 2nd edn. Singapore: Singapore University Press, 1981.

Suryadinata, Leo. *China and the ASEAN States: The Ethnic Chinese Dimension.* Singapore: Singapore University Press, 1985.

Suryadinata, Leo. "Politics in Indonesian Parliament 1966–1985," *Southeast Asian Journal of Social Science*, vol. 15, no. 1, pp. 35–52, 1986.

Suryadinata, Leo. *Indonesia's Foreign Policy under Suharto: Aspiring to International Leadership*. Singapore: Times Academic Press, 1996.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Suryadinata, Leo. *Chinese and Nation Building in Southeast Asia*. Singapore: Singapore Society of Asian Studies, 1997.

Suryadinata, Leo. "Indonesian Nationalism and the Prewar Youth Movement," originally published in *Journal of Southeast Asian Studies* (March 1978), republished in Leo Suryadinata*, Interpreting Indonesian Politics*. Singapore: Times Academic Press, 1998, pp. 49–68.

Suryadinata, Leo. "China's Citizenship Law and the Chinese in Southeast Asia," in M. Barry Hooker, ed. *Law and the Chinese in Southeast Asia.* Singapore: Institute of Southeast Asian Studies, 2002, pp. 169–202.

Suryadinata, Leo. *Pribumi Indonesians*, *the Chinese Minority and China: A Study of Perceptions and Policies*. Singapore: Marshall Cavendish, 2005.

Suryadinata, Leo. "Will there be peace in Aceh?" *Straits Times*, 12 December 2012.

Swe Win. "A country by any other name, please," *Straits Times*, 9 July 2012, p. A19.

Terwiel, B.J. *A History of Modern Thailand, 1767–1942*. St Lucia, London, New York: University of Queensland Press, 1983.

"Their victory is also ours, says Mah," *Straits Times*, 9 August 2002.

Tonnesson, Stein and Hans Antlov. "Asia in Theories of Nationalism and National Identity," in Stein Tonnesson and Hans Antlov, eds. *Asian Forms of the Nation.* Surrey: Curzon, 1996, pp. 1–40.

"Undang-Undang Dasar Negara republik Indonesia Tahun 1945 dan Perubahannya dalam Satu Naskah," *Kompas*, 12 August 2002, p. II.

"Variasi Transmigrasi," *Tempo*, 13 July 1974, p. 8.

Wan Hashim. *Race Relations in Malaysia*. Kuala Lumpur: Heinemann, 1983.

Wang Gungwu. "Chinese Ethnicity in New Southeast Asian Nations," in Leo Suryadinata, ed. *Ethnic Relations and Nation-Building in Southeast Asia: The Case of the Ethnic Chinese*. Singapore: Institute of Southeast Asian Studies, 2004, pp. 1–19.

Wang Gungwu, "Nation and Heritage," in Wang Gungwu, ed., *Nation-Building: Five Southeast Asian Histories.* Singapore: Institute of Southeast Asian Studies, 2005, pp. 251–277.

Wang Gungwu, ed., *Nation-Building: Five Southeast Asian Histories*. Singapore: Institute of Southeast Asian Studies, 2005.

Weiner, Myron. "Political Integration and Political Development," Claude E. Welch, ed., *Political Modernization: A Reader in Comparative Political Change*. Belmont, California: Wadsworth, 1967, pp. 150–160.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Weissbrodt, David. *Immigration Law and Procedure* (West Nutshell Series). St. Paul, Minnesota: West Publishing Company, 1984.

Welsh, David. "Domestic Politics and the Ethnic Conflict," in Michael Brown, ed., *Ethnic Conflict and International Security*. New Jersey: Princeton University Press, 1993, pp. 43–60.

Wertheim, W.F. *Indonesian Society in Transition*, 2nd revised edn. The Hague: W. van Hoeve, 1964.

Whimster, Sam, ed. *The Essential Weber: A Reader*. New York: Taylor and Francis, 2003.

White Paper on "Shared Values." Singapore Government Printers, p. 10.

Wibowo, Ivan. "Kelalaian dalam UU Adminduk," *Suara Pembaruan*, 20 April 2007.

"Will Singapore become one tribe?" *Straits Times*, 7 May 1999.

Wurfel, David. *Filipino Politics: Development and Decay*. Ithaca: Cornell University Press, 1991.

"Xin you tianxia: wei Feng Tianwei er gaoxing" (心游天下：为冯天薇而高兴), <http://blog.sina.com.cn/s/blog_62b5a67a0100kqvq.html> (accessed on January 2013); Li Qihong (2010).

Yuval-Davis, Nira. *Gender and Nation*. New York: Sage Publications, 1997.

Zhou Nanjing 周南京, ed., *Jingwai huaren guoji wenti taolunji* (境外华人国籍问题讨论辑, The Citizenship Problems of the Chinese abroad: A collection of documents and articles). Hong Kong: Hong Kong Press for Social Sciences Ltd., 2005.

"Zhou Shushen, Feng Tianwei, Wang Guyue, nimen de jingpai shi chumai zhuguo huanlai…," <http://tieba.baidu.com/f?kz=784424748> (accessed on January 2013).

Zhuang Guotu 庄国土, *Huaqiao huaren yu Zhongguo de1guanxi* (华侨华人与中国的关系, Relations between Overseas Chinese and China). Gungzhou: Guangdong Gaodeng Jiaoyu Press, 2001.

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Index

abangan Muslims, 142–144
Abdul Kadir, 162
Abdul Samad Idris, 136
Abdulkarim Kholid, 171
Abdullah, Taufik, 152
Abu Sayyaf, 160
Aceh Independent Movement, 41
Aceh, 138, 146, 147, 153
Acehnese, 73, 80, 139, 148
Afro-Asian Conference, 89, 96, 97
Ambonese, 138
Anaya, S. James, 53
Anderson, Benedict, 20, 149
anti-Chinese riots, 79, 81, 96
Anwar Ibrahim, 128
Aquino, Corazon (Cory Aquino), 156, 159
Arabic, 24
Arabs, 24, 28, 56
Arakan state, 51
Arong Suthasatna, 163
ASEAN-China FTA, 82
Asia Minor, 40
Asian Strategy and Leadership Institute (ASLI), 123
assimilation, 10
Association of Southeast Asian Nations (ASEAN), 17, 82, 177
Australia, 92, 95, 112, 115
Austria, 8, 23

Bacal, Azril, 39, 52
Bachtiar, Harsja, 37
Badawi, Abdullah, 48, 124
Bahasa Indonesia, 31
Bahasa Melayu, 133
bahasa nasional, 140, 141
Balakrishnan, Vivian, 109
Bamar (Burman), 26, 74, 79
Bangkok, 57, 80, 170
Bangladesh, 10, 176
Bangsa Cina, 129
Bangsa India, 129
bangsa Indonesia asli, 48, 68
bangsa Indonesia, 141
Bangsa Malaysia, 79, 129
Bangsa Melayu Patani (Patani Malay Nation), 166, 168, 169
Bangsa Melayu, 129
Bangsa Moro Army, 158
Bangsa Moro, 160, 165, 168
Bangsa, 24, 25, 42
Bangsamoro Republik, 159
Bangsamoro, 166, 169
Banharn (*see* Silpa-archa, Banharn)
Banka, 140

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

bansa Moro, 25
bansa, 25
Barisan Bersatu Kemerdekaan Patani (Bersatu), 165
Barisan Bersatu Merdeka Patani (Bersatu), 164
Barisan Bersatu Mujahidin Patani (BBMP), 165
Barisan Islam Pembebasan Patani (BIPP), 164, 165
Barisan Nasional (National Front), 48, 132
Barisan Nasional Pembebasan Patani (BNPP), 164
Barisan Revolusi Nasional Melayu Patani (BRN), 163, 165
Barisan, 164
Basque, 22, 176
Batak, 72, 140, 142
bayan, 25
Beijing, 59, 77, 89, 90, 97
Belgium, 8, 12, 176
Beureueh, Daud, 138, 149
Bhama, 26, 30
Bhinneka Tunggal Ika, 139, 145
Bilingualism, 77
BNO, 52
BOC, 52
Boonyaratglin, Sonthi, 74
Bosnia, 10
Brazil, 113
Britain, 39
British Malaya, 43
British National Overseas, 39, 43
British Overseas Citizen, 39, 42
BRN (Barisan Revolusi Nasional), 165–167, 169
Brunei Darussalam, 66, 67, 72, 168, 180, 182, 184
Brunei, 1, 23, 61, 156
Buginese, 49
bumiputra, 29, 46, 47, 61, 76, 121–124, 129
Burma, 11, 12, 74, 75, 105
Burma/Myanmar, 26, 180
Burman, 30
Burundi, 10, 11
Bush, George W., 97

1909 citizenship law, 88
1945 Constitution, 60
1957 Citizenship Law of the Federation of Malaya, 61
1958 Citizenship Act, 59
1982 Citizenship Act, 51
2006 citizenship law of Indonesia, 49
Cambodia, 1, 26, 66, 67
Canada, 5, 11, 12, 22, 34, 91, 92, 95, 97, 112, 176, 178, 179
Cantonization, 12
Cebuano, 156
Cessation of Hostilities Agreement, 148
Ceylon, 28
Champa, 26
Chan, Johannes, 89, 98
Chang, Chi-fu, 84
Chantawanich, Supang, 69
Chao Siam, 25
Charnvit Kasetsiri, 25
Cheah Boon Kheng, 133
Chechens, 10, 134
Chen Duo, 86, 98
Chen Yuchai, 84
Cheua Chat, 43
Chiang Kai-shek, 88
China, 22, 56, 79, 80, 82, 83, 88, 117

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Chinese Americans, 97
Chinese mestizo, 50, 76, 184
Chinese nationalism, 3, 65, 88, 89, 91
Chinese New Year, 49
Chinese problem, 90
Christian Filipinos, 156, 157
Christian nation, 183
Chua Jui Meng, 123, 124
Citizenship Law of Brunei Darussalam, 193
Citizenship Law of Cambodia, 211
Citizenship Law of Indonesia, 219
Citizenship Law of Laos, 237
Citizenship Law of Malaysia, 251
Citizenship Law of Myanmar, 265
Citizenship Law of Singapore, 283
Citizenship Law of Thailand, 293
Citizenship Law of the Philippines, 279
Citizenship Law of Vietnam, 301
Citizenship-Building, 101, 185
civic integration, 11, 14
civic nation, 14, 19, 180
Cobo, Jose R. Martinez, 27, 37
Cold War, 65, 74, 80, 89, 175, 176
Commission on National Integration (CNI), 157
common values, 7, 8
Commonwealth Games, 108
Communism, 80
Confucianism (agama Khonghucu), 73
Connor, Walker, 19, 23, 36, 176, 186
consociational democracy, 8, 9, 13
consociationalism, 12
Coppel, Charles, 3
cultural mosaic, 102
cultural pluralism, 170
Culturalist, 22
Darussalam, 23
de los Santos, R Joel Jalal-ud-din, 170
democracy, 9, 80
democratization, 46, 51
Deng Xiaoping, 90, 91
Denmark, 23
Deutsch, Karl, 32
Developing Countries, 1
Dewan Bahasa dan Pustaka, 129
Dewan Masyarakat, 136
Dewan Pembebasan Patani (DPP), 165
DOM, 149
dual citizenship, 86, 87, 91–98, 110, 112–116, 119
dual-citizenship agreement, 89
duli zhongxue, 5
Dutch East Indies (Indonesia), 2, 3, 24, 28, 43, 86, 87, 137, 146

East Germany, 23
East Malaysia, 181
East Timor, 17, 116, 146, 149, 151, 176
East Timorese, 80
Eastern Europe, 80
Economic Planning Unit (EPU), 123
Emerson, Rupert, 18, 21
English Canadians, 176
English, 77
Estonia, 9
ethnic (ethno-) nations, 184
ethnic assimilation, 11
ethnic Chinese, 71–79, 81–83, 150, 151
ethnic cleansing, 10
Ethnic Democracy, 9, 11, 13
ethnic hegemony, 9

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

ethnic nation, 14, 19–21, 23, 31, 36
ethnie, 18, 23, 34, 35
ethno-nation states, 177
ethno-nation, 19, 21, 31, 71, 72, 79, 82, 178, 180, 181, 183
ethno-nationalism, 80, 147
Europe, 5, 35, 39
European Union (EU), 177

Fatimah, Siti, 135
federalism, 11, 12
Federated Malay States, 60
Federation of Malaya, 62
Feng Tianwei, 109, 119
Fifth Column, 96
Fiji, 11, 12
Filipino Muslims, 160, 161, 169, 170
Filipino nation, 75
Filipino, 25, 31, 50, 76
Filipinos, 184
First National Culture Congress, 127
foreign talent policy, 110
foreign talent, 110–112
France, 11, 20, 39, 40
Free Aceh Movement (Gerakan Aceh Merdeka), 148, 149
Free Papua Movement, 139
Free Papua Organization (FPO), 147
French Canadians, 176
French Revolution, 39, 40
Fujimori, Alberto, 41, 52
Funston, John, 37, 68, 83
Furnivall, J.S., 2–6, 12, 105

G7, 177
Gabungan Melayu Patani Raya (Gempar), 165
GAM, 52, 148, 149
Gao Zhan, 96, 97
GATT/WTO, 177
Gellner, Ernest, 20, 36
General Assembly, 27
genocide, 9
Gerakan Mujahideen Islam Patani (GMIP), 164, 165
Germany, 14, 39, 41, 178, 184
Ghana, 11
globalization, 7, 46, 51, 68, 79, 80, 82, 83, 106, 111, 117, 122, 152, 173–175, 177, 184
Goh Chok Tong, 104, 105, 111
Goldstein, 52
Golkar, 143
Goncalves, Egmar, 113
Gouw, 68
government-linked companies (GLCs), 123
Greenfeld, Liah, 14
Group Representation Constituency (GRC), 114
Guibernau, 36
Guided Democracy, 142
Guomindang (Kuomintang), 88, 97
Gus Dur (see Wahid, Abdurrahman) 49

Habibie, 48, 49, 81, 146, 147
Hajji Sulong, 162
Hanoi, 77
Hashim, Salamat, 161
Hassan bin Taib, 171
Hatta, 68, 137
Heater, 52
hegemonic control, 11, 12, 182
Heng Pek Koon, 47
Heywood, 36, 52

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Hindia Belanda, 24
Hindu Rights Action Force (Hindraf), 131, 136
Ho, Andy, 116
Hobsbawm, Eric, 52
Holton, Robert, 177
homeland minorities, 71
Hong Kong, 39, 42, 81
Hooker, Barry, 85
Huang Ying Jung, 61, 62, 69
Huk rebellion, 184
human rights, 80, 174, 175
Huntington, Samuel, 175, 186
Hutu, 10, 11

9.11 incident, 58
Iceland, 23
Ilocano, 156
Iloco, 156
imagined communities, 20
IMF, 177
immigrant social nation, 32
immigrant society, 106
immigrant state, 184
India, 56, 117
Indians, 104
indigenism, 27, 29, 37, 46, 49, 51, 55, 68, 83, 121, 123, 134
indigenous people, 27, 28, 45, 64
indigenous population, 79, 173
indigenous social nations, 32, 71
Indonesia asli, 48, 59
Indonesia, 1, 4, 5, 7, 12, 23, 24, 28, 31, 34, 42, 48, 49, 51, 56, 58–60, 66, 67, 72, 78, 80, 105, 126, 168, 176, 180, 183, 184
Indonesian 1945 Constitution, 59
Indonesian nation, 42
Indonesisch Vereeniging, 24
integration, 10
internal colonialism, 168
Iranun, 158
Iraq, 10, 11
Ireland, 23
Irian Jaya (Papua), 146, 147, 149
Isa, Ibrahim, 42, 52
Iskandar New Economic Zone, 47
Islamic socialism, 167
Islamic state, 125, 126, 138, 141, 167, 169
Islamic/Muslim State, 183
Israel, 9, 10

Jaafar Albar, 29, 103
Jakarta, 59, 141
Japan, 19, 23, 41, 95, 178, 184
Japanese occupation, 140
Japanese, 29
Java, 3, 4, 87
Javanese, 49, 72, 138, 140, 142, 145
Jew, 5, 10
Jiang Zemin, 97
Johnston, 52
Jung Jinghong, 108
jus sanguinis, 55, 58, 60, 88, 89
jus soli, 50, 55, 57, 58, 60, 63, 65, 88
Jusuf, Irwandi, 150

Kali Berkunjung, 52
Kalimantan, 49
Kalla, Jusuf, 150, 153
Karen, 2, 182
Kasturi Mahkota, 166
Kautsky, John, 33, 38
Kayin, 182
Kedah, 161

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

kekawulaan, 43
Kelantan, 161
Kellas, James G., 36
kerakyatan, 43
keris (Malay dagger), 131
Ketuanan Melayu, 128, 132
kewarganegaraan, 43
Khairy Jamaluddin, 124, 130, 131
King Rama VI, 74
King Wachirawut (Rama VI), 64
Kingdom of Siam, 161
konfrontasi, 139
Korea, 19
Kraivixien, Thanin, 163
Kuala Lumpur, 57, 79, 80, 123, 131
Kumpulan Mujahidin of Malaysia, 164
Kurds, 10, 22
Kymlicka, Will, 19, 36

Laos, 1, 66, 67
Latvia, 9
Lebanon, 8, 12
Lee Hsien Loong, 103, 111, 112
Lee Kuan Yew, 29, 64, 102–104, 110, 115
Lee, Edwin, 116, 117
Leekpai, Chuan, 74, 84, 181
Lembong, Eddie, 68
Lesotho, 23
Li Jiawei, 108, 109
Li Jing, 108
Li Shaomin, 96, 97
Li Yujia, 108
Liang Yingming, 99
Liaw Yock Fang, 118
Liebherr World Team Table Tennis Championships, 109
Lijphart, Arend, 8, 9, 12, 13
Lim Swee Say, 115
Lim, Alfredo, 50
Lim, Linda, 117
lion dance, 127
Lü Jiwen, 74, 84
Luxembourg, 23

Ma Dexiang, 74, 84
Madrasah, 104, 118
Madura, 4
Madurese, 49
Maguindanao, 158
Mah Bow Tan, 109
Mahathir bin Mohamad, 30, 38, 48, 123, 125, 128–130, 132, 133
Mainland China, 3, 50, 94
Majul, Cesar Adib, 158, 161, 170
Malacca, 101
Malay Malaysia, 62, 102, 162, 165, 168
Malay Muslims, 161–164, 166, 167, 169, 171, 181
Malay Nationalism, 166
Malay race, 183
Malay, 24, 31, 32, 36, 43, 47, 71, 76
Malaya, 28, 101
Malaya/Malaysia, 4, 29, 43
Malayan Communist Party, 118
Malayan Union, 60, 62
Malayan, 101
Malayan/Malaysian, 79
Malays, 23, 28, 56, 57, 104
Malaysia, 1, 5, 7–9, 12, 13, 23, 24, 30, 31, 34, 51, 56, 60, 66, 67, 72, 76, 81, 86, 102, 117, 122, 125, 166–168, 180, 181, 184
Malaysian flag, 133
Malaysian Malaysia, 102

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Maluku, 49, 73
Mandarin, 78
Manila, 170
Maranaos, 158
Marcos, Ferdinand, 75, 156, 158
Marr, David, 37
Marshall, T.H., 43–45, 52, 53
Martinez, Patricia, 130
Marxist, 22
Masyumi, 142
Mauzy, Diane K., 134
MCA, 9, 47, 122–124, 126, 135, 136
McGarry, John, 9, 11–14
McLean, Ian, 52
McVey, Ruth, 151, 153, 166, 169
Medan, 140
Megawati, 49, 148, 149
Melaka Empire, 129
Melaka, 60
Melayu Baru, 128
Melayu, 165
Melayu-Patani-Kordinasi, 164
melting pot, 102, 103, 105, 118
mestizo, 3
Middle East, 22, 23, 138, 167
migrant state, 71, 184
MILF (*see* Moro Islamic Liberation Front)
Milne, R.S., 134
Minangkabau, 138
Mindanao, 156, 157
Misuari, Nur, 158–161
MNCs, 177
MNLF, 75, 159–161, 165, 168
Molucans, 73
Moluccas rebellion, 152
Moro Islamic Liberation Front (MILF), 159–161, 165, 169
Moro land, 157–160, 183
Moro National Liberation Front (MNLF), 158
Moro, 160, 167, 168, 170
MPR (Majelis Permusyawaratan Rakyat), 145
multi-cultural societies, 173
multi-culturalism, 83, 178, 179
Multi-ethnic Malaysia, 62
multi-ethnic nation, 71, 185
multi-national states, 19, 22, 23
multi-racialism, 179
Muslim Filipino, 156, 170
Muslim state, 76, 126
Muslim Thais, 57, 74
Muzaffar, Chandra, 135
Myanmar, 1, 10, 30, 51, 66, 67, 72, 79, 182

Nahdlahtul Ulama (NU), 142
Naing ngan, 26
Najib, 132
Nanfang Xueyuan, 47
Nanyang Technological University (NTU), 104
Nanyang University, 61, 118
Narathiwat, 161
Nasakom, 142
Nasharudin Mat Isa, 126
nasion, 24, 37
Nasional, 164
nasyon, 24
natie, 24
nation of intent, 21
national anthem, 137
National Development Policy (NDP), 47, 76, 122, 123, 134
national disintegration, 22, 145, 146, 176
national language, 137, 139

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

national loyalty, 174
National Overseas Chinese Affairs Working Committee, 85
National Type schools, 5
National University of Singapore, 107, 119
nation-building, 32, 76, 79, 83, 92, 101, 102, 104, 116, 121, 137, 150, 151, 155, 182, 184, 185
nation-destroying, 176
nation-state, 17, 19, 22, 23, 35, 36, 176, 177, 185, 186
Nederlandsch Onderdaanschap, 87
Negaraku, 133
Netherlands, 8, 23, 42, 87
New Economic Policy (NEP), 46, 47, 76, 121–124, 134, 135
New Era College (Xin Jiyuan), 47
New Malay, 128
New Order, 5, 7, 142, 144, 145
New People's Army, 158
New Zealand, 91, 95
Ng, Irene, 114
Niezen, Ronald, 37
Nigeria, 28
NKRI or Negara Kesatuan Republik Indonesia, 145
Noble, Lela G., 157, 158, 167, 168
non-homeland minority, 55
Northern Ireland, 9, 11
Norway, 23

2008 Olympic Games, 109
O'Leary, Brendan, 9, 11–14
Oen Keng Hian, 88
official religion, 180
Ohmae, Kenichi, 177
older nations, 184
Oliver, 52
onderdanen, 43
One-China Policy, 90
orang asli, 58
orang Indonesia, 24, 42
orang Jawa, 24
Overseas Chinese Affairs Office, 86
Overseas Chinese Affairs, 91
overseas Vietnamese, 77

1980 PRC Citizenship Law, 85
Pacho, Arturo G., 66, 67
Pakatan Rakyat (People's Coalition), 132
Pakistan, 10, 176
Palembang, 140
Palestinians, 10, 22
Pamungkas, Sri Bintang, 146
PAN (Partai Amanat Nasional), 145
Pancasila, 72, 73, 139, 143, 144, 183
PAP (People's Action Party), 102–104
Papua, 49, 149
Papuans, 80
Parkindo (Christian Party), 142
parliamentary democracy, 141
Partai Demokrasi Indonesia (PDI), 143
Partai Komunis Indonesia (PKI), 142
Partai Nasional Indonesia (PNI), 142
Partai Persatuan Pembangunan (PPP), 143
Parti Islam SeMalaysia (PAS), 126, 130
partition, 10
PAS (*see* Parti Islam SeMalaysia)
Patani Kingdom, 167, 169, 170
Patani Malay Nation, 167
Patani Nation, 165
Patani sultanate, 161

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Patani United Liberation Organization (PULO), 163
Patani, 161, 165, 170
Patani, Gerakan Mujahidin, 164
Patronage of Islam Act of 1945,162
PDI-P (Partai Demokrasi Indonesia Perjuangan), 144
peci, 127
Peking Review, 98
Pemuda UMNO, 48
Penang Syariah Hight Court, 126
Penang, 60, 101
penduduk asli, 29
Peninsular Malaya, 28
Penjajah Siam, 165
People's Action Party, 102
People's Political Consultative Conference (PPCC), 86, 91
People's Republic of China (PRC), 59, 65, 77, 85, 89, 90, 93, 96
peranakan Chinese, 87, 88
Peranakan, 58, 98
Perhimpunan Indonesia, 24
Perlis, 161
Permanent Resident, 174
Pertubuhan Perpaduan Pembebasan Patani (PPPP), 165
Peru, 41
Phibulsongkhram, 25, 65, 162
Philippine Muslims, 168, 169
Philippine nationalism, 25
Philippines, 1, 23, 24, 31, 32, 56, 66, 67, 72, 75, 78, 80, 81, 155, 165, 168, 183, 184
Piliang, Indra J, 37
Pitsuwan, Surin, 74, 163, 166
PKB (Partai Kebangkitan Bangsa), 145
plural society, 2–4, 6, 12, 13, 105, 106
Pluralistic Society, 6, 7, 13
political integration, 8
political Islam, 143
pondok schools, 162, 164
Population White Paper, 106, 118
Portugal, 23
Powell, Colin, 96
Prasetyono, Edy, 37
PRC Citizenship Law, 89, 91
PRC Nationality Law, 85
pribumi, 29
PULO, 164–169

Qing Guangguang, 96, 97
Qiu Daxin, 74
Quebecois, 22

Rabuskha, Alvin, 4
Rahimullah, Pheerayot, 163
Rama VI, 25
Ramasamy, 136
Ramkhamhaeng University, 84
Ramos, Fidel, 75, 159
Ramos-Horta, José, 146
Rattakul, Pichai, 84
Razak, Najib, 47, 48, 57, 125, 131
Razak, Tun Abdul, 29, 127
reformasi, 60, 73
Region States, 177
Republic of Indonesia, 68
Republic of Mindanao and Sulu, 160
Republic of the South Moluccas (Republik Maluku Selatan or RMS), 138

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Riau archipelagos, 56
Riau, 150
Robertson, David, 45
Rohingya, 51, 182
Royal Malay Regiment, 133
Russia, 14

Sa, Khun, 74, 84
Sabah, 60, 61
Sadasivan, Viswa, 64
Salmon, Claudine, 15
Samals, 158
Sanskrit, 24
santri Muslims, 142, 143
santri, 144
Sarawak, 60, 61
Sarit, 162
Satha-Anand, Chaiwat, 163
Satun, 161
Saudi Arabia, 126
SBY (*see* Yudhoyono, Susilo Bambang)
Schermerhorn, R.A., 18
secession, 10
secular state, 126, 183
segmented citizenship, 43
self-determination, 1, 10
Semenanjung Tanah Melayu, 24
Setiawan, Chandra, 53
Shan, 26, 182
Shepsle, Kenneth A., 4
Siam, 25, 56
Silpa-archa, Banharn, 19, 74, 84
Sin, Jaime Cardinal, 76
Singapore, 1, 29, 31, 34, 41, 57, 60, 62–64, 66, 67, 71, 72, 77, 81, 101, 115, 174, 179, 180, 183, 184
Singapore's Institute of International Affairs (SIIA), 128
Singaporean Singapore, 103
single citizenship, 96
Singlish [Singapore English], 105
Sinhalese, 28
Sino-American relations, 96
Slovakia, 9
Smith, Anthony, 19, 36
Smith, M.G., 6, 13, 105
Smooha, Sammy, 9, 11, 13, 15
social communication, 32
social nation (civic nation), 178
social nations, 14, 19–21, 36, 71, 72, 82, 176, 180, 181, 183
Socialism, Burmese, 74
Soesastro, Hadi, 37
Songkhram, Thanom, 163
songkok, 127
South Africa, 5
South Korea, 23
Southern Thailand, 166, 169, 171
Soviet Union, 10–12, 80, 176
Soysal, Yasemin, 175
Spain, 11, 22, 176
Spaniards, 156
Spanish, 31
State-Nations, 17, 56
Straits Settlements, 60, 62, 101
Straits-born Chinese, 60
Sudan, 11
Suharto, 42, 48, 49, 59, 60, 68, 73, 78, 80, 81, 144–147, 150, 151, 183
Suhrke, Astri, 157, 158, 167, 168
Sukarno, 48, 137, 142, 143
Sukhothai, 25
suku Sunda, 24
Sulu, 156

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80 by 50.34.89.250 on 12/21/15. For personal use only.

Sumatra, 49, 56
Sumpah Pemuda, 141
Sun Yat-sen, 64
Sundanese, 141
Suqiu (Appeal), 48
Suryadinata, Leo, 36, 68
Sweden, 41, 164
Switzerland, 8, 12
Syariah (or Islamic Law), 126
Syariah High Court, 135
Syria, 164

1997 Thai constitution, 50
Tagalog, 24, 31, 156, 157
Taiwan, 92, 94, 96
Tamano, Mamintal, 161
Tamil, 76
Tan Abdullah, Siti Fatimah, 126
Tanjung Priok affair, 144
Tatars, 10
Tausugs, 158
Technology University of Malaysia, 127
Teng Chunyan, 96
Tengku Bira Kotantila, 164
Terengganu, 161
Territorial integration, 8
Teungku Malik Mahmud, 41, 52
Thai Malays, 57
Thai Muslims, 163, 169, 171, 181
Thai nationalism, 25, 65, 89
Thailand, 1, 23, 26, 27, 30, 32, 35, 36, 50, 56, 58, 64, 66, 67, 72, 73, 78, 80, 81, 84, 89, 155, 165, 167, 168, 179, 182, 184
Thaksin Shinawatra, 57, 74, 84, 181
Thanom, 162
The 1909 Citizenship Law, 86
The 1929 Citizenship Law, 88
the 1965 Coup, 59
The 2006 citizenship law, 60
The Presidential Assistance for National Minorities (PANAMIN), 157
Theravada Buddhism, 181
Third World, 1, 20
Tibetans, 22
Timor-Leste, 1, 180
Tiro, Hasan di, 41, 149
totok, 3
transmigrasi, 145
Tripoli, 159
tropical plural society, 6
Tsinoy, 75
Tunku Abdul Rahman, 47, 61, 116, 133
Tutsi, 11

Uganda, 11
UK, 7, 9, 11, 42, 176, 178
UMNO Youth, 124, 130
UN, 27, 28, 146
Unfederated Malay States, 60
Union of Burma, 26
United Kingdom, 20, 40, 41, 44
United Malays National Organisation (UMNO), 9, 29, 47, 48, 61, 102, 124, 126, 128, 130, 132
United Nations, 17, 27
United States, 5, 20, 34, 35, 44, 91, 97, 103, 105, 117
Universiti Tunku Abdul Rahman (UTAR), 47
University of Indonesia, 37
University of Malaya, 130
US House of Representatives, 96
US, 7, 11, 14, 57, 92, 95, 112, 148, 157, 175, 178, 179, 186
Utusan Melayu, 129, 132

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

Vietnam, 1, 25, 66, 67, 72, 77, 79, 98, 180, 182, 184
Viets, 25, 26, 30, 72, 180, 182
Visayan, 31

Wahid, Abdurrahman, 49
Wan Mohammad Nor Matha, 74
Wang Gungwu, 34, 83, 84
Wang Ling-chi, 93, 98
Wang Yuegu, 109
Washington, 89
Wawasan, 129
Weber, Max, 18, 40
Weiner, Myron, 8, 13
Weissbrodt, 53
Welsh, David, 23, 36
Wertheim, W.F., 33, 38
West Irianese, 80
West Java, 141
Western Europe, 8, 12, 18, 95
White Paper, 107
Wibowo, Ivan, 53
Wong Kan Seng, 114
World Bank, 177
Wu Jianmin, 96
Wurfel, David, 170

Ximenez Belo, Carlos Filipe, 146
Xin Hua News Agency, 96
xin yimin, 91, 98
Xing Aiying, 108

Yakans, 158
Yala, 161
Ye Peiying, 86, 98
Yeo, George, 106, 115
younger nations, 184
Yudhoyono, Susilo Bambang (SBY), 50, 148–150
Yugoslavia, 10, 11
Yuval-Davis, Nira, 52

Zhang Xueling, 109
Zhou Enlai, 89, 90
Zhou Nanjing, 93
Zinni, Anthony, 148

The Making of Southeast Asian Nations Downloaded from www.worldscientific.com:80
by 50.34.89.250 on 12/21/15. For personal use only.

ISEAS
YUSOF ISHAK INSTITUTE

ISEAS YUSOF ISHAK INSTITUTE